



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 19, 2003
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Catherine A. Houchins, Pastor, Metropolitan Community Church of the Blue Ridge.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTN Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, May 22, 2003, at 7:00 p.m., and Saturday, May 24, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

A Resolution appointing Beverly T. Fitzpatrick, Jr., to fill the unexpired term of William H. Carder, ending June 30, 2004.

P 11

Administration of the Oath of Office. The Honorable Charles N. Dorsey, Judge, Twenty-Third Judicial Circuit of Virginia.

Proclamation declaring May 18 - 24, 2003, as Emergency Medical Services Week.

P 12

Proclamation declaring Sunday, June 1, 2003, as Helen Keller Day.

P 13

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 14

RECOMMENDED ACTION: Concur in the request.

- C-2 A communication from Vice-Mayor C. Nelson Harris, Chair, Roanoke City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss performance evaluations of four Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

P 15

RECOMMENDED ACTION: Concur in the request.

C-3 Minutes of the Roanoke City Audit Committee (Planning Session) held on Monday, April 21, 2003.

P 16

RECOMMENDED ACTION: Receive and file.

C-4 A communication from the City Clerk advising of the resignation of S. Wayne Campbell as a member of the City Planning Commission, effective immediately.

P 20

RECOMMENDED ACTION: Accept the resignation and receive and file the communication.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

1. A communication in connection with amendments to the City's policy with regard to determination of tax-exempt property.

P 21;
R 26

2. A communication with regard to property acquisition at 1428 10th Street, N. W.

P 27;
B/O 29;
O 31

3. A communication recommending appropriation of funds for the Roanoke Civic Center Waterproofing Project.

P 33;
B/O 34

4. A communication recommending changing the name of the Railside Linear Walk to the O. Winston Link Railwalk.

P 36;
R 37

5. A communication recommending acceptance of an additional \$7,470.00 in regional competitiveness funds and a commitment of \$8,193.00 from Roanoke County. P 39;
B/O 44;
R 46
6. A communication recommending authorization to execute an agreement with the Roanoke Valley Convention and Visitors Bureau to market the Roanoke Valley as a regional destination for convention and destination tourism, in the amount of \$847,440.00. P 48;
R 59
7. A communication recommending transfer and appropriation of funds in connection with the regional automated library system test server. P 60;
B/O 62
8. A communication recommending execution of a lease agreement with Kirk Avenue Properties, LLC, in connection with a training facility and the Occupational Health Clinic located on Kirk Avenue. P 63;
O 65
9. A communication recommending acceptance of the National Network of Libraries of Medicine/Southeastern Atlantic Region grant, in the amount of \$49,116.00. P 66;
B/O 68;
R 69
10. A communication recommending transfer of \$606,000.00 in connection with relocation of the Social Services Department to the Civic Mall at 1502 Williamson Road, N. W. P 71;
B/O 73
11. A communication recommending revisions to the City Code in connection with sewer connections and extensions. P 75;
O 76
12. A communication in connection with acceptance of Citizen Corps Grant funds. P 81;
B/O 82;
R 83

BRIEFINGS:

13. Youth Commission. (20 minutes)

7. REPORTS OF COMMITTEES:

- a. A communication from the Roanoke City School Board requesting appropriation of \$57,008.00 from the Capital Maintenance and Equipment Replacement Fund for school bus route management software and replacement of school buses; and \$2,100,000.00 for Lincoln Terrace improvements; and a report of the Director of Finance recommending that Council concur in the request.

P 84; B/O 85

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain Council-Appointed authorities, boards, commissions and committees.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED MEETING.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***MAY 19, 2003
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Smith.

Welcome. Mayor Smith.

NOTICE:

The Council meeting will be televised live by RVTv Channel 3 to be replayed on Thursday, May 22, 2003, at 7:00 p.m., and Saturday, May 24, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PRESENTATIONS AND ACKNOWLEDGEMENTS:

1. Shining Star Awards.

B. PUBLIC HEARINGS:

1. Request of Liberty Property Limited Partnership that a 0.186 acre portion of right-of-way in the shoulder of Blue Hills Circle, N. E., be permanently vacated, discontinued and closed. Alan T. Lingerfelt, Senior Vice-President, Liberty Property Trust, Spokesperson.

P 88; O 96

2. Request of the City Planning Commission that property located within the southwest quadrant of the City, identified as Official Tax Nos. 1330401-1330403, inclusive, and 1330117, 1330118 and 1330134, located on Denniston Avenue, Memorial Avenue and Our Street, S. W., be rezoned from C-1, Office District, to CN, Neighborhood Commercial District. R. Brian Townsend, Agent, City Planning Commission.

P 100; O 111

3.
 - (1) Proposal of the City of Roanoke to enter into an option, or sale agreement, for the sale of 18.437 acres of City-owned property, identified as New Tract F, located at the Roanoke Centre for Industry and Technology, for commercial purposes. Darlene L. Burcham, City Manager.

P 113; O 114

 - (2) A communication from the City Manager recommending authorization for issuance of up to \$6,000,000.00 in Revenue Bonds of the Industrial Development Authority of the City of Roanoke, in connection with the request of WELBA I, LLC, or another limited company to be formed by the principals thereof, to purchase and install new equipment in the Roanoke Centre for Industry and Technology.

P 116; R 131

4. Amendment of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, Section 36.1-228, Special exception uses, to include veterinary clinics with no outside corrals and pens. R. Brian Townsend, Agent, City Planning Commission.

P 134; O 136

5. (1) Proposed amendments to the Zoning Ordinance to better define and differentiate between certain interrelated land use activities that involve towing services, wrecker services, new and used motor vehicle sales and service and a new and used commercial motor vehicle sales and service. R. Brian Townsend, Agent, City Planning Commission. P 138;
O 146
- (2) A communication from the City Manager recommending amendment to Section 20-71, Code of the City of Roanoke (1979), as amended, with regard to regulation of on-street or alley parking of commercial motor vehicles in residential districts. P 158;
O 160

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

**MOTION AND CERTIFICATION
WITH RESPECT TO
CLOSED MEETING**

FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

PLEASE NOTE:

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.

WMT
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

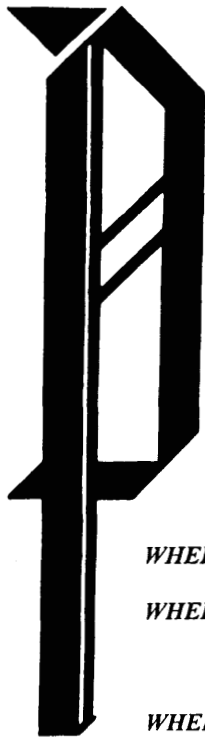
A RESOLUTION appointing Beverly T. Fitzpatrick, Jr., to fill the unexpired term of William H. Carder.

WHEREAS, there exists a vacancy on City Council, arising from the resignation of William H. Carder, effective May 16, 2003.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that, pursuant to the provisions of §4 of the Roanoke City Charter, 1952, this Council hereby appoints Beverly T. Fitzpatrick, Jr., to fill the unexpired term of William H. Carder, which term expires on June 30, 2004.

ATTEST:

City Clerk.



Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, Emergency Medical Services is a vital public service; and

WHEREAS, members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services providers have traditionally served as the safety net of America's health care system; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

WHEREAS, Roanoke Fire-EMS is joined by other concerned citizens of Roanoke, as well as other emergency service providers and safety advocates, businesses, schools, service clubs and organizations, in their safety efforts.

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, in recognition of the outstanding services performed by these individuals, do hereby proclaim the week of May 18 – 24, 2003, throughout this great All-America City, as

EMERGENCY MEDICAL SERVICES WEEK.

Given under our hands and the Seal of the City of Roanoke this nineteenth day of May in the year two thousand and three.

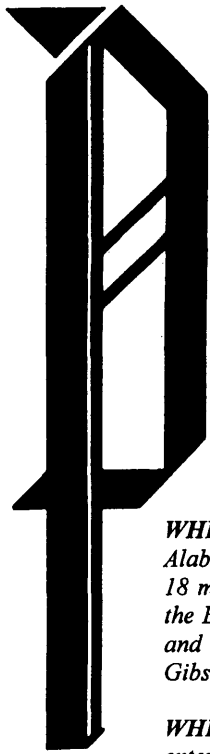
ATTEST:

Mary F. Parker

Mary F. Parker
City Clerk



Ralph K. Smith
Mayor



Office of the Mayor

CITY OF  ROANOKE

Proclamation

WHEREAS, Helen Adams Keller was born on June 27, 1880, in Tuscumbia, Alabama; she was left blind, deaf and mute after developing a fever at the age of 18 months; at the age of six, Anne Mansfield Sullivan of the Perkins School for the Blind was hired as Ms. Keller's teacher, and she taught Helen sign language and Braille; the story of the teacher and her pupil has been retold in William Gibson's play and film, "The Miracle Worker"; and

WHEREAS, at the age of ten, Helen Keller learned to speak; in 1898 she entered the Cambridge School for Young Ladies and in the autumn of 1900, she entered Radcliffe College, where she earned a Bachelor of Arts Degree Cum Laude; throughout the years, Anne Sullivan remained at her student's side; and

WHEREAS, in 1915, Helen Keller joined the first Board of Directors of the Permanent Blind Relief War Fund, later known as the American Braille Press; in 1924, she started the Helen Keller Endowment Fund and joined the staff of the American Foundation for the Blind as a counselor on national and international relations; on June 30, 1925, Helen Keller addressed the Lions Club International Convention in Cedar Point, Ohio, and challenged Lions to become "knights of the blind in this crusade against darkness"; and

WHEREAS, a movie of Helen Keller's life received the "Oscar" award from the Academy of Motion Picture Arts and Sciences in 1955; she made her last major public appearance in Washington, D. C., in 1961 when she received the Lions Club Humanitarian Award for lifetime service; and

WHEREAS, Helen Keller died on June 1, 1968, at the age of 87; her request to the Lions Club 43 years earlier inspired the international organization to adopt the Sight Conservation and Work with the Blind Program as a major service initiative; and

WHEREAS, in 1971, the Board of Directors of Lions Club International declared June 1 to be remembered as "Helen Keller Day".

NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia, in recognition of world-wide Lions Club sight-related projects, do hereby proclaim Sunday, June 1, 2003, throughout this great All-America City, as

HELEN KELLER DAY.

Given under our hands and the Seal of the City of Roanoke this nineteenth day of May in the year two thousand and three.

ATTEST:

Mary F. Parker
City Clerk



Ralph K. Smith
Mayor



RALPH K. SMITH
Mayor

CITY OF ROANOKE
OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452
ROANOKE, VIRGINIA 24011-1594
TELEPHONE: (540) 853-2444
FAX: (540) 853-1145

May 19, 2003

The Honorable Vice-Mayor and
Members of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

I wish to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ralph K. Smith
Mayor

RKS:sm



RALPH K. SMITH
Mayor

CITY OF ROANOKE

CITY COUNCIL

215 Church Avenue, S.W.
Noel C. Taylor Municipal Building, Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

Council Members:
William D. Bestpitch
William H. Carder
M. Rupert Cutler
Alfred T. Dowe, Jr.
C. Nelson Harris
Linda F. Wyatt

May 15, 2003

The Honorable Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

This is to request that Council convene in a Closed Meeting to discuss the performance of four Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

With best regards, I am

Sincerely,

A handwritten signature in black ink, which appears to read "C. Nelson Harris".

C. Nelson Harris, Chair
Personnel Committee

CNH:sm

MINUTES OF ROANOKE CITY AUDIT COMMITTEE
Audit Planning Session
April 21, 2003

1. CALL TO ORDER:

The meeting of the Roanoke City Audit Committee Audit Planning Session was called to order at 11:30 a.m. on Monday, April 21, 2003, with Chair, Linda F. Wyatt, presiding.

- **The roll was called by Mrs. Wyatt**

Audit Committee

Members Present: Linda F. Wyatt, Chair
Mayor Ralph K. Smith
Vice-Mayor, C. Nelson Harris
William D. Bestpitch
William H. Carder
Dr. M. Rubert Cutler
Alfred T. Dowe, Jr.

Others Present: Drew Harmon, Municipal Auditor
Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Christopher L. Slone, Public Information Officer
Mike Tuck, Assistant Municipal Auditor
Evelyn Powers, Administrative Assistant

2. WHY AUDIT AND TYPES OF AUDITS

Mr. Harmon explained to the Audit Committee why the need to audit using excerpts from Government Auditing Standards. Mr. Harmon discussed accountability, purpose of audits, and types of audits. Mr. Harmon reported that the audit department performs Financial Related Audits and gave examples as: Sheriff, Police, and School Activity Funds. Mr. Harmon stated that the Performance Audits are basically everything else the department audits. One example Mr. Harmon provided was an audit of how public safety response times are measured and monitored.

Mr. Dowe expressed an interest in the Auditing Department looking at response time for Fire/EMS. He suggested looking at how multiple concurrent calls affect response times and resources.

Mike Tuck, Assistant Municipal Auditor gave the Committee a briefing on a current audit that the department is working on – “Child Day Care”. Mr. Tuck explained all of the areas this audit looked at and that the audit was received well by the Department of Human Services. Mr. Harmon reported that the auditor actually went into the field and

performed site visits to individual homes where children were cared for. Mr. Bestpitch was interested in knowing if the audit reviewed reports on inspections performed by our own Social Services department. Mr. Tuck stated that the auditor did review inspections performed by the Commonwealth of Virginia and the Social Services Department. The Mayor wanted to know how many children were in the child daycare program. Mr. Tuck did not know exactly how many children, but stated there were over 8,000 transactions. Mr. Tuck stated that all of the money the City has spent has been reimbursed. Mrs. Wyatt asked if there were any facilities that kept children during the hours of 3:00 p.m. through 11:00 p.m. Mr. Tuck stated that the daycare facilities in the audit sample were during the day hours.

3. TEN YEAR HISTORY OF REPORTED AUDITS

Mr. Harmon briefed the Committee on the areas the Municipal Auditing department has audited from 1993 – 2003. The Committee was given a handout that showed all the areas audited during this time period.

4. ANTICIPATED DEMANDS ON AUDIT STAFF RESOURCES

Mr. Harmon briefed the Committee on assignments that he anticipated significant audit staff hours in 2003-2004. The Committee was given a handout that showed these areas.

Dr. Cutler wanted to know about the City's purchasing system. Mr. Harmon informed the Committee that Mr. Bird has completed the City Procurement Manual and that it should address many of the outstanding audit concerns. Ms. Burcham stated that she has reviewed the manual and that it is out on the City's web site. Mr. Harmon stated that he will be looking at purchasing in the coming year. Mr. Bestpitch asked if there were any areas that Mr. Harmon thought still needed audit attention. Mr. Harmon stated that areas such as Parks, and Fleet were doing much better. Two areas that will be looked at in the coming year will be Police Property Room and Civic Center.

Mr. Carder stated that he feels the audit department should continue to take a more proactive approach versus a reactive approach. He said that proactive auditing is more like preventative maintenance where you look at the process and fix it before it becomes a problem. Mr. Carder stated he would like to see the audit department pump more hours into preventative auditing. Mrs. Wyatt asked Mr. Harmon how the department was going to get to all departments to audit when he has had to cut staff. Mr. Harmon stated that the department was doing shorter, more focused audits, that staffing has stabilized providing a more mature, efficient staff; and that the department hopes to do more in-service with departments so that all employees will be more control conscious. Mr. Harmon stated that where the department could use staff is in the school area.

Dr. Cutler asked if the audit department has any relationship with the City's Environmental department. Mr. Harmon stated that there is no formal working relationship, but that the department could talk to the Environmental Manager to determine how the departments can help each other. Mr. Harmon stated that the EPA/OIG has been in contact with the department about assisting in a review of security over the Water & Sewer Infrastructure.

Ms. Burcham stated that she has been getting the Auditors more involved upfront rather than in the end. She mentioned that all departments have worked on a Strategic Business Plan and these have been given to the Audit department. Ms. Burcham was pleased that the Audit Committee supported preventative auditing.

Mr. Bestpitch wanted to know if the audit department has ever looked at HR in particular the City's grievance procedures. Mr. Harmon stated that the last audit we did in the HR area was Occupational Health.

Mayor Smith asked about unscheduled audits the department is doing. Mr. Harmon reported to the Committee that the audit department is currently doing surprise counts in the departments that have cash and inventory on hand. Mr. Harmon stated that Mr. Morgan, Manager for GRTC, had some reservations about the auditors coming to his area to perform an inventory count. Committee members stated that they would support going forward with the audit work at GRTC. Ms. Burcham stated that she would call Mr. Morgan to discuss this issue.

Mr. Harmon asked the Committee what they wanted to do regarding the authority to audit the Water Authority. Dr. Cutler stated he thought this needed to be looked at early on if Mr. Harmon felt the audit department would have a role in this type of work. Mr. Harmon stated that the auditing department could evaluate this area.

Mrs. Wyatt asked if there should be a turnover audit performed in the Real Estate Valuation area before the transition into the Finance Department. The Committee agreed that an audit should be performed prior to the retiring Director's last day, July 31, 2003. Mr. Carder asked how this situation is normally handled and suggested that it should be a standard process. Ms. Burcham suggested that the Committee be selective and that generally turnover audits are performed when there is a new Treasurer and Commissioner of Revenue. Mrs. Wyatt suggested that a list of all departments that might need turnover audits be given to the Audit Committee for their review.

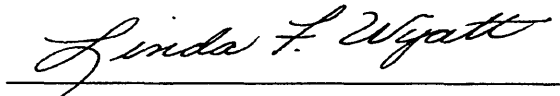
Mayor Smith asked the question "Who audits the auditor"? Mr. Harmon reported that the audit department has a Peer Review every three years.

Mrs. Wyatt asked Mr. Harmon about the discipline problem in the schools. She wanted to know if the auditing department was going to look at this area. Mr. Harmon stated that he has talked to parents and that he has mentioned the need for an audit in this area to Ruth Willson, Audit Committee Chair, for the School Board.

Mrs. Wyatt thanked Mr. Harmon and his staff for their hard work and expressed that this was a good session to talk about the future of the auditing department.

5. ADJOURNMENT:

There being no further business, the meeting was adjourned at 12:40 p.m.

A handwritten signature in cursive script, reading "Linda F. Wyatt", is positioned above a horizontal line.

Linda F. Wyatt, Chair



MARY F. PARKER, CMC
City Clerk

CITY OF ROANOKE OFFICE OF CITY CLERK

215 Church Avenue, S.W., Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145
E-mail: clerk@ci.roanoke.va.us

STEPHANIE M. MOON
Deputy City Clerk

SHEILA N. HARTMAN
Assistant City Clerk

May 19, 2003

The Honorable Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

I am advised that S. Wayne Campbell has submitted his resignation as a member of the City Planning Commission, effective immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary F. Parker". The signature is fluid and cursive.

Mary F. Parker, CMC
City Clerk

MFP:sm

pc: Robert B. Manetta, Chair, City Planning Commission
Martha P. Franklin, Secretary, City Planning Commission



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 19, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Subject: Amendment of Policy regarding
Determination of Property Tax
Exemption

Dear Mayor Smith and Members of City Council:

Background:

On December 2, 2002, City Council approved a new policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City by Resolution No. 36148-120202, adopting the Process for Determination of Property Tax Exemption dated December 2, 2002, with an effective date of January 1, 2003. At the meeting, Council Member Carder inquired as to whether the policy could be amended to require organizations that petition the City to have their real property declared tax exempt to pay, voluntarily, a sum equal to the service district tax currently imposed in two areas in the City (Downtown and Williamson Road).

Considerations:

The City Attorney has reviewed this issue and offered a written opinion to City Council dated December 9, 2002. The special taxes levied in these two districts are levied to provide for additional governmental services not being offered uniformly throughout the entire city. While localities may not impose a service district tax on property within a district that is not otherwise subject to local taxation, City Council may require, as a condition to granting tax exempt status to an organization in the future, that the organization pay voluntarily to the City a sum equal to what it would otherwise be obligated to pay as a service district tax, just as Council now does with regard to service


charges. The attached policy document has been amended (changes in italics) to include this new provision.

In addition, House Bill 1750 was passed during the 2003 General Assembly to implement the constitutional amendment permitting localities to grant real estate tax exemptions on and after January 1, 2003 and was signed by the Governor on May 2, 2003. It recommends specific procedures that require additional changes to our procedure (shown in italics on Attachment 1).

Recommendation:

City Council approve amendments to the city policy regarding the determination of tax-exempt property, including changes required by HB 1750 and including language requiring, as a condition to granting tax exempt status to an organization in the future, that the organization pay voluntarily to the City a sum equal to what it would otherwise be obligated to pay as a service district tax.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/vst

Attachment

c: Honorable David C. Anderson, City Treasurer
 Honorable Sherman A. Holland, Commissioner of Revenue
 Mary F. Parker, City Clerk
 William M. Hackworth, City Attorney
 Jesse A. Hall, Director of Finance
 Willard N. Claytor, Director of Real Estate Valuation
 Barry L. Key, Director of Management and Budget

#CM03-00023

Process for Determination of Property Tax Exemption

(REVISED)

Section 58.1-3651.D., Code of Virginia, provides:

Pursuant to subsection 6 (a) (6) Article X of the Constitution of Virginia, on and after January 1, 2003, any county, city or town may by designation or classification exempt from real or personal property taxes, or both, by ordinance adopted by the local governing body, the real or personal property, or both, owned by a nonprofit organization that uses such property for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes. The ordinance shall state the specific use on which the exemption is based, and continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated. No exemption shall be provided to any organization that has any rule, regulation, policy, or practice that unlawfully discriminates on the basis of religious conviction, race, color, sex, or national origin.

Nothing in §58.1-3651, Code of Virginia, or in any ordinance adopted pursuant to this section shall affect the validity of a classification exemption claimed by an organization, or a designation exemption granted by the General Assembly, prior to January 1, 2003, that was still effective on December 31, 2002, pursuant to Article 3 (§58.1-3609 et seq.) or 4 (§58.1-3650 et seq.) of this chapter, and no locality shall recognize a classification exemption first claimed by an organization pursuant to Article 3 (§58.1-3609 et seq.) of this chapter after January 1, 2003. An exemption granted pursuant to Article 4 (§58.1-3650 et seq.) of this chapter may be revoked in accordance with the provisions of §58.1-3605. For purposes of subsection D of §58.1-3651 “a classification exemption claimed by an organization” as of January 1, 2003, means that the organization owns property in a locality that is not being taxed by the locality on December 31, 2002, by virtue of a classification exemption provided under Article [3] (§58.1-3609 et seq.) of this chapter. Such claim of exemption applies to each such locality in which such an organization owns property that is not being taxed on December 31, 2002, and only to each such locality.

Step 1.

Any organization planning to seek tax-exempt status for its real and/or personal property must first request in writing on the organization's letterhead a determination from the Commissioner of the Revenue whether the organization is already eligible for tax-exempt status by classification or designation per Title 58.1, Chapter 36 – Tax Exempt Property, of the Code of Virginia (1950), as amended. The organization must include a written description of the intended use of the property for which tax exemption is being requested.

The Commissioner of the Revenue will respond to the organization in writing after a determination of tax-exempt status has been made. If the organization is already eligible for tax-exempt status and the intended use of the property is determined to be consistent with the mission of the organization, the organization will be so informed in writing.

If the organization is not already eligible for tax-exempt status, the organization should then proceed to Step 2.

Step 2.

For calendar 2003, the organization must file a petition with the City Clerk by June 1st in order to be considered for tax-exempt status by City Council for the next tax year beginning July 1st. The petition must include the following information (see attached petition template):

1. Descriptive information regarding the organization and the nature of its request;
2. Legal basis for the request referencing the appropriate section of the State code;
3. Statement that the Commissioner of the Revenue has determined the organization is not already eligible for tax-exempt status by classification or designation (see Step 1.) – a copy of the written determination must be attached to the petition;
4. Statement that the organization agrees to pay to the City an annual service charge equal to twenty percent of the real estate tax levy that would be applicable to the real property of the organization if the organization were not exempt from such taxation, for as long as the tax exemption is in effect;
5. *Statement that the organization, if located within a service district, agrees to pay to the City an annual service charge equal to the additional service district tax that would be levied, for as long as the tax exemption is in effect;*
6. Responses to questions set forth in subsection B of Section 58.1-3651 of the Code of Virginia (1950), as amended; and
7. Statement that the organization agrees, if approved for tax-exempt status, to provide information to the Director of Real Estate Valuation upon request to allow a triennial review of the tax-exempt status of the organization.

Step 3.

Petitions forwarded by the City Clerk to the City Manager by April 15th for evaluation and recommendation to City Council will have an effective date of July 1st. Petitions forwarded by the City Clerk to the City Manager by October 15th for evaluation and recommendation to City Council will have an effective date of January 1st. The City Attorney will prepare an ordinance for adoption by City Council.

The ordinance exempting property shall be adopted only after holding a public hearing with respect thereto, at which citizens shall have an opportunity to be heard. The City Clerk shall publish notice of the hearing once in a newspaper of general circulation in the city. The notice shall include the assessed value of the real and tangible personal property owned by the organization requesting the exemption as well as the property taxes that either were paid or would have been paid in the most recent year. The public

hearing may not be held until at least (5) days after the notice is published in the newspaper. The City may collect the cost of publication from the organization requesting the property tax exemption. Before adopting any such ordinance City Council shall consider the following questions:

- a. Whether the organization is exempt from taxation pursuant to § 501 (c) of the Internal Revenue Code of 1954;
- b. Whether a current annual alcoholic beverages license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property;
- c. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;
- d. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions or, local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in kind or other material services;
- e. Whether the organization provides services for the common good of the public;
- f. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;
- g. Whether any rule, regulation, policy, or practice of the organization discriminates on the basis of religious conviction, race, color, sex or national origin;
- h. The revenue impact to the locality and its taxpayers of exempting the property; and
- i. Any other criteria, facts and circumstances that the Council deems pertinent to the adoption of such resolution.

Exemptions of property from taxation shall be strictly construed in accordance with Article X, Section 6 (f) of the Constitution of Virginia.

The ordinance will identify what kind of exemption the ordinance extends the organization: religious, charitable, patriotic, historical, benevolent, cultural or public park and playground purposes.

WMH
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION adopting a new policy and procedure with respect to processing requests from non-profit organizations to have their property exempted from taxation pursuant to Article X, §6(a)(6), of the Constitution of Virginia; and repealing Resolution No. 36148-120202, adopted December 2, 2002.

WHEREAS, on November 5, 2002, an amendment to the Constitution of Virginia was approved by the electorate and transfers the responsibility of determining tax exempt status of properties of certain non-profit organizations from the General Assembly to the local governing bodies of the Commonwealth;

WHEREAS, by Resolution No. 36148-120202, adopted on December 2, 2002, Council adopted a new policy and procedure with respect to requests from non-profit organizations to exempt property from taxation pursuant Article X, §6(a)(6), of the Constitution of Virginia; and

WHEREAS, House Bill 1750 enacted by the 2003 Session of the General Assembly implementing the above-referenced Constitutional amendment, requires certain amendments to the City's policy and procedure for providing such reports.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. Resolution No. 31648-120202, adopted on December 12, 2002, adopting a new policy and procedure with respect to requests for property tax exemption be, and it is, hereby REPEALED.
2. City Council hereby adopts and approves a new policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City by adopting the Process for Determination of Property Tax Exemption, dated May 19, 2003, and attached to the City Manager's letter of May 19, 2003, recommending adoption of this procedure.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 19, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Property Acquisition of
1428 10th Street –
Property Located in the
Flood Plain

The City of Roanoke has been awarded a grant from the Federal Emergency Management Agency (FEMA) and Commonwealth of Virginia Department of Emergency Management (VDEM) through its Hazard Mitigation Grant Program (HMGP). The purpose of this grant is to remove a building located at 1428 10th Street, which is subject to repetitive flooding. Of the existing 987 Elevation Certificates city-wide, this property is at the top of the list for flood vulnerability. During the 1985 flood of record, the depth of water reached 10.7' above the bottom floor elevation.

The property was appraised by Miller, Long & Associates, Inc. in November 2002. Miller, Long & Associates determined the market value to be \$100,000. The HMGP program is entirely voluntary. Mr. Ali Ababseh, the property owner, was notified of the appraisal and at his request, the city pursued the grant. The current tenants will be relocated, following the requirements of the grant. After the relocation is completed, the building will be demolished.

The total project cost estimate is \$161,400 which includes the property purchase, relocation and demolition. The HMPG award will cover \$153,330 of the proposed cost. The remaining funding of \$8,070 is available in the Capital Projects Fund Lick Run Greenway account.

Authorization is needed to move forward with procurement of title work, document preparation related to acquisition of the necessary property rights and the eventual demolition of the structure.

Recommended Actions:

Authorize the City Manager to execute the necessary documents, in a form approved by the City Attorney to purchase the real property owned by Mr. Ali Ababseh at 1428 10th Street, N.W., Tax Map Numbers 2130614 and 2130615.

Authorize the demolition of the structure and close the 10th Street Hazard Mitigation Grant Program grant in accordance with the requirements of the Federal Emergency Management Agency.

Create an account titled Hazard Mitigation Grant – 1428 10th Street and establish revenue estimates in the amount of \$121,050 from FEMA and \$32,280 from VDEM in the Grant Fund. Transfer \$8,070 from the Capital Projects Fund Lick Run Greenway account 008-530-9754 to the Grant Fund Hazard Mitigation Grant – 1428 10th Street account.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:CAB:na

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Jesse A. Hall, Director of Finance
Philip C. Schirmer, P.E., L.S., City Engineer

CM03-00081

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Capital Projects and Grant Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Capital Projects Fund

Appropriations

Nondepartmental	\$ 2,003,070
Transfer to Other Funds (1).....	2,003,070
Recreation	\$ 25,762,128
Lick Run Greenway (2).....	1,004,540

Grant Fund

Appropriations

Parks, Recreation and Cultural	\$ 191,400
Hazard Mitigation (3-4).....	161,400

Revenues

Parks, Recreation and Cultural	\$ 191,400
Hazard Mitigation (5-6).....	161,400

1) Transfer to Grant Fund	(008-530-9712-9535)	\$ 8,070
2) Appropriated from		
General Revenue	(008-530-9754-9003)	(8,070)
3) Appropriated from		
General Revenue	(035-530-3510-9003)	8,070
4) Appropriated from		
State Grant Fund	(035-530-3510-9007)	153,330
5) State Grant Receipts	(035-530-3510-3511)	153,330

6) Local Match

(035-530-3510-3510)

\$ 8,070

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the acquisition and demolition of certain property located at 1428 10th Street, which is subjective to repetitive flooding, under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program and the Commonwealth of Virginia Department of Emergency Management's (VDEM) Hazard Mitigation Grant Program, upon certain terms and conditions; authorizing the closing of the 10th Street Hazard Mitigation Grant Program; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager is authorized to execute the necessary documents, upon form approved by the City Attorney, to acquire the real property located at 1428 10th Street, bearing Official Tax Nos. 2130614 and 2130615, owned by Mr. Ali Ababseh, subject to the City obtaining an acceptable title report, for the consideration of \$100,000.00, under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program and the Commonwealth of Virginia Department of Emergency Management's (VDEM) Hazard Mitigation Grant Program, and to demolish the structure located thereon, upon the terms and conditions contained in the City Manager's May 19, 2003, letter to City Council.

2. Upon completion of the demolition of the structure located on this property, the 10th Street City Hazard Mitigation Grant Program is to be closed in accordance with the requirements of the Federal Emergency Management Agency.

exercised, the subsequent sale of such Property, and for related matters, as referred to in the above-mentioned letter.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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May 19, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Appropriation of funds for Civic
Center Waterproofing Project

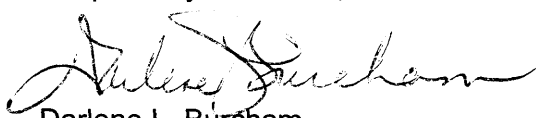
The existing exhibit hall directly under the plaza area has had problems with leaks for several years. Waterproofing the plaza by installing a new membrane roof will correct this problem and allow the space to be converted into meeting rooms.

Funding in the amount of \$400,000 is needed for the project, and is available in the General Fund Transfer to Capital Projects Fund account (001-250-9310-9508) and may be transferred to the Civic Center Fund Expansion/Renovation Phase II account (005-550-8616-9003).

Recommended Action:

Transfer \$400,000 from the General Fund Transfer to Capital Projects Fund account (001-250-9310-9508) to the Civic Center Fund Expansion/Renovation Phase II account (005-550-8616-9003).

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/SEF

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, P.E., L.S., City Engineer

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Civic Center Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General and Civic Center Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Nondepartmental	\$	75,431,479
Transfer to Other Funds (1-2).....		74,254,754

Civic Center Fund

Appropriations

Capital Outlay	\$	4,915,862
Civic Center Expansion/Renovation Phase II (3).....		1,403,000

Revenues

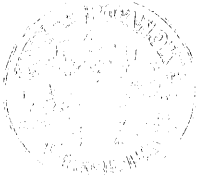
Transfer from General Fund (4).....	\$	1,555,630
-------------------------------------	----	-----------

- | | | |
|-----------------------|---------------------|--------------|
| 1) Transfer to | | |
| Capital Projects Fund | (001-250-9310-9508) | \$ (400,000) |
| 2) Transfer to | | |
| Civic Center Fund | (001-250-9310-9505) | 400,000 |
| 3) Appropriated to | | |
| General Revenue | (005-550-8616-9003) | 400,000 |
| 4) Transfer from | | |
| General Revenue | (005-110-1234-0951) | 400,000 |

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE

OFFICE OF THE CITY MANAGER

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May 19, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Naming of Railside Linear Walk Project

Construction of the Railside Linear Walk project has been a multi-year project linking the downtown market with the Transportation Museum, and honoring Roanoke's railroad history. In light of Roanoke's rich railroad heritage and O. Winston Link's significant contribution to Roanoke's culture and art, it is proposed that the rail walk be named the "O. Winston Link Railwalk", in his honor. Currently the restoration of the historic N & W passenger station is underway, which will house the "O. Winston Link Museum", with a projected completion date of August, 2003.

Recommended Action:

Council adopt a resolution changing the name of Railside Linear Walk to O. Winston Link Railwalk.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB/SEF

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, City Engineer

#CM03-00087

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION renaming the Railside Linear Walk as the O. Winston Link Railwalk.

WHEREAS, O. Winston Link developed a world-wide reputation for his memorable black and white photographs of steam locomotives;

WHEREAS, O. Winston Link made numerous trips to Roanoke to photograph the last steam railroad in the country, the Norfolk & Western Railway Company;

WHEREAS, the world's only museum dedicated to O. Winston Link's photographs will be in the renovated Passenger Station located in the downtown market area;

WHEREAS, the Railside Linear Walk links the downtown market area with the Transportation Museum via Norfolk Avenue from Third Street, S.W., to Market Street, S.E.; and

WHEREAS, the Railside Linear Walk provides recreational opportunities for the citizens in the Roanoke Valley to enjoy walking, jogging, bicycling and other forms of recreation and access to the O. Winston Link museum.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The name of the Railside Linear Walk is hereby changed to the O. Winston Link Railwalk to reflect the significant contribution of O. Winston Link's photographs to

Roanoke's culture and art.

2. The City Manager is requested to cause this renaming to be noted with the installation of appropriate signs to indicate the change in the name of the Railside Linear Walk to the O. Winston Link Railwalk.

ATTEST:

City Clerk.



CITY OF ROANOKE

OFFICE OF THE CITY MANAGER

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 215 Church Avenue, S.W., Room 364
 Roanoke, Virginia 24011-1591
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May 19, 2003

Honorable Ralph K. Smith, Mayor
 Honorable C. Nelson Harris, Vice Mayor
 Honorable William D. Bestpitch, Council Member
 Honorable M. Rupert Cutler, Council Member
 Honorable Alfred T. Dowe, Jr., Council Member
 Honorable Beverly T. Fitzpatrick, Jr., Council Member
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance and Appropriation of
 Regional Competitiveness Funds
 and Amendment of Kaufman and
 Canoles Consulting, LLC, (KCC)
 Agreement

Background:

In March, 2001, the City of Roanoke was awarded \$45,000 in Regional Competitiveness Funds, a state program administered locally by the Fifth Planning District Regional Alliance. Of this amount, \$25,000 was provided to the City to help fund the air service enhancement activities being undertaken by KCC. Recently, the City requested that \$12,530 of the original \$45,000 grant be released to the Roanoke Regional Airport Alliance to assist with the Campaign for Fair Airfares. At the same time, the Fifth Planning District Regional Alliance was asked to make available to the City the balance of \$7,470 remaining from the original \$45,000. This \$7,470 would become part of the funding needed to extend the City's agreement with KCC.

Considerations:

The extension of the agreement with KCC represents a sole source procurement action on the part of the City. That is, the City is not soliciting competing proposals to continue the consulting services that KCC has been providing. This action is deemed appropriate and consistent with the rules of the Virginia Procurement Act due to the extensive involvement and experience of KCC to date in assisting with the establishment of the Roanoke Regional Airport Alliance and representing the City to the business community and potential air carriers. Choosing another consultant at this stage would be disruptive due to the steep

learning curve involved and would, thus, adversely affect the City's ability to achieve its ultimate project goal of attracting the services of a low-fare air carrier. Therefore, a change of consultant at this stage would be contrary to the public interest.

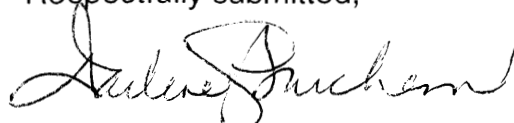
Expenses under the original agreement with KCC were less than anticipated; therefore, only \$23,856 in additional funds will be needed for a six-month extension. Roanoke County has agreed to share equally with the City the costs of the KCC extension not covered by the \$7,470 in Regional Competitiveness Funds. Thus, the City and County shares will each be \$8,193. The County will provide its funds on a reimbursable basis. The City and County funds together will satisfy the dollar-for-dollar match required by the Regional Competitiveness Funds.

Because of the importance of the services provided by KCC, the extension is being written for a six-month period, with options to renew for a further six months thereafter. Further, given that the increase in funds is less than \$25,000, §2-124(b) the City Code provides the direct authority to the City Manager to execute the amendment.

Recommended Actions:

1. Accept the additional \$7,470 in Regional Competitiveness Funds and the commitment of \$8,193 from Roanoke County. Increase the corresponding revenue estimates and appropriate these funds to the Regional Competitiveness Program account (035-410-9750-2010) in the Grant Fund; and
2. Transfer \$8,193 from the General Fund Contingency account (001-300-9410-2199) to the same Grant Fund account.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:fb

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Frank E. Baratta, Budget Team Leader

CM03-00088

AMENDMENT No. 1

This Amendment No. 1 is entered into this 31st day of March, 2003, by and between the City of Roanoke ("the City") and Kaufman and Canoles Consulting, LLC ("KCC").

W I T N E S S E T H:

WHEREAS, in the interest of enhancing air carrier services to the Roanoke Regional Airport, the City and KCC entered into a consulting services Agreement ("Agreement") as of April 1, 2002; and

WHEREAS, by Ordinance No. 35984-071502 the Roanoke City Council appropriated funds therefor; and

WHEREAS, the City and KCC desire to continue the productive relationship which has ensued under the Agreement;

NOW THEREFORE, the City and KCC do mutually agree to this Amendment No. 1 to the Agreement as follows:

1. Page 4, "TIME COMMITMENT", shall be revised to extend the period during which KCC will provide consultant services and shall read:

* * * *

TIME COMMITMENT

Mr. DuVal shall provide these services for a period beginning April 1, 2002, and ending September 30, 2003. During this period, Mr. DuVal shall work on the City's behalf and shall be available to meet with leadership of the City a minimum of 1½ to 2 days each month.

* * * *

2. Page 4, "COMPENSATION", shall be revised to increase the funds committed to the Agreement from \$61,200 to \$85,056 and shall read:

* * * *

COMPENSATION

* * * *

The City shall provide KCC with a monthly retainer in the amount of \$4,100.00, for a total of \$73,800.00 for the eighteen-month period that services have been retained.

In addition, KCC shall be reimbursed for normal expenses incurred while conducting business for the City. These expenses include travel, lodging, meals, and telephone calls, and

will be billed at cost. Absent the prior written approval of the City, such reimbursements shall not exceed \$11,256.00, which represents the actual reimbursements of \$5,256.00 made for the period from April 1, 2002, through March 31, 2003, plus a maximum of \$6,000.00 to be made available for the period from April 1, 2003, to September 30, 2003. Properly submitted invoices shall be paid within thirty (30) days of the invoice date. All past due amounts shall accrue interest at the rate of one and one-half percent (1½%) per month until paid.

* * * *

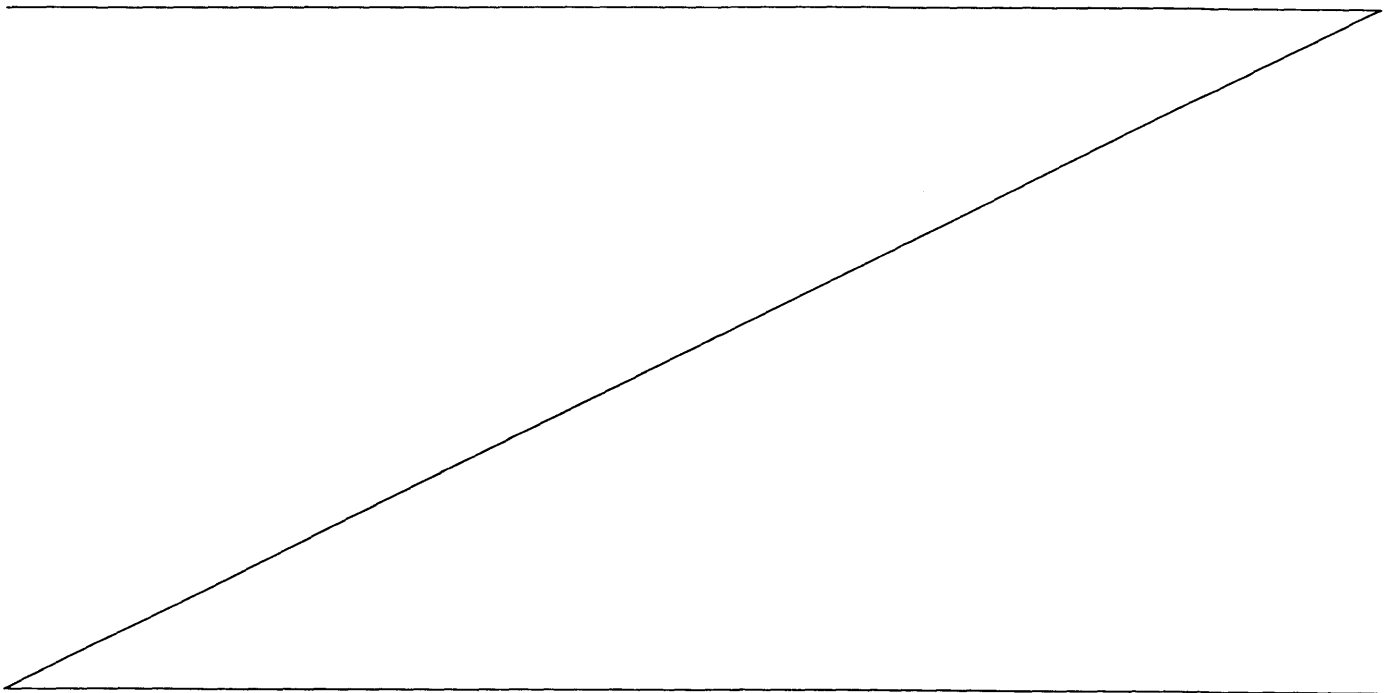
3. Page 4, "OTHER PROVISIONS", shall be revised by inserting a new subsection VI (on page 6) to allow for a further extension of the agreement for up to six additional months; the new subsection shall read:

* * * *

- VI. This agreement may be extended on a month-to-month basis for a period of up to six additional months, that is, through March 31, 2004, by mutual written consent of the City and KCC. Each month that the agreement is so extended shall provide the same \$4,100.00 monthly retainer to KCC, plus reimbursement for monthly expenses not to exceed \$1,000.00 per month.

* * * *

The Agreement, dated April 4, 2002, shall remain unchanged in all other terms and provisions.



IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1 as of the day and year hereinabove written:

ATTEST:

FOR THE CITY:

By _____
Mary F. Parker, City Clerk

By _____
Darlene L. Burcham, City Manager

ATTEST:

FOR KCC:

By _____

By _____
Barry E. DuVal, President

APPROVED AS TO FORM

APPROVED AS TO EXECUTION

Assistant City Attorney

Assistant City Attorney

APPROPRIATION AND FUNDS REQUIRED
FOR THIS CONTRACT CERTIFIED

Director of Finance

Date _____

Account # 035-410-9750-2010

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General and Grant Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Nondepartmental	\$ 75,431,479
Transfer to Other Funds (1).....	74,262,947
Contingency – General Fund (2)	110,976

Grant Fund

Appropriations

Community Development	\$ 4,600,548
Regional Competitiveness Program (3).....	85,056

Revenues

Community Development	\$ 4,600,548
Regional Competitiveness Program (4-6).....	85,056

1) Transfer to Grant Fund	(001-250-9310-9535)	\$ 8,193
2) Contingency	(001-300-9410-2199)	(8,193)
3) Fees for Professional Services	(035-410-9750-2010)	23,856
4) State Grant	(035-410-9750-9753)	7,470
5) Local Match - City	(035-410-9750-9751)	8,193
6) Local Match - County	(035-410-9750-9752)	8,193

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

5/15/03

A RESOLUTION authorizing a six-month extension of an Agreement that became effective April 1, 2002, with Kaufman and Canoles Consulting, LLC ("KCC"), for air service enhancement activities, accepting funds from the Fifth Planning District Regional Alliance and a commitment for funds from Roanoke County, and concurring with the determination of the Director of General Services that KCC is the only source practicably available to perform such air service enhancement activities.

WHEREAS, the City and KCC have entered into an Agreement that became effective April 1, 2002 ("Agreement"), for air service enhancement activities;

WHEREAS, because of the importance of the services provided by KCC, the City believes that the Agreement should be extended for six (6) months from April 1, 2003, with an option to further extend the Agreement on a month-to-month basis for up to an additional six (6) months;

WHEREAS, the Director of General Services has determined that KCC is the only source practicably available to continue such air service enhancement activities due to the extensive involvement and experience of KCC to date in assisting with the establishment of the Roanoke Regional Airport Alliance and representing the City to the business community and potential air carriers, and the steep learning curve involved in performing such activities;

WHEREAS, Council concurs in the determination of the Director of General Services on the sole source determination; and

WHEREAS, the Fifth Planning District Regional Alliance has been asked to make available to the City \$7,470.00 for the extension of the Agreement, and Roanoke County has agreed to share equally with the City the costs of extending the Agreement in an amount equal to \$8,193.00.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

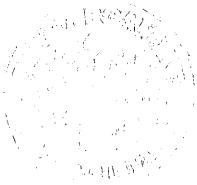
1. For the reasons set forth in the City Manager's letter dated May 19, 2003, to Council, Council does hereby concur in the determination of the Director of General Services that Kaufman and Canoles Consulting, LLC, is the only source practicably available to provide continued air service enhancement activities.

2. The City Manager and the City Clerk are authorized to execute and attest, respectively, for and on behalf of the City, upon form approved by the City Attorney, Amendment No. 1, extending the Agreement that became effective April 1, 2002, with Kaufman and Canoles Consulting, LLC, for six (6) additional months, at an additional cost of \$23,856.00, with an option to extend the Agreement, as amended, on a month-to-month basis for up to an additional six (6) months, for continued air service enhancement activities, all as more fully set forth in the above-referenced letter.

3. The City Manager is authorized to accept \$7,470.00 from the Fifth Planning District Regional Alliance and \$8,193.00 from Roanoke County on the terms and conditions, and for the purpose, set forth in the above-referenced letter.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 19, 2003

The Honorable Ralph K. Smith, Mayor
The Honorable Nelson Harris, Vice-Mayor
The Honorable William Bestpitch, Council Member
The Honorable Rupert Cutler, Council Member
The Honorable Alfred Dowe, Council Member
The Honorable Beverly Fitzpatrick, Jr., Council Member
The Honorable Linda Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: FY 2003-2004 Roanoke Valley
Convention and Visitors Bureau
Agreement

The City of Roanoke has annually entered into an Agreement with the Roanoke Valley Convention and Visitors Bureau (RVCVB) to provide funding for marketing the Roanoke Valley as a convention and destination tourism site. As part of annual budget adopted by City Council on May 12, 2003, the Memberships and Affiliations budget includes funding of \$541,440 specifically designated for the RVCVB. An additional \$306,000 is designated in the annual budget for marketing efforts and will go to the RVCVB, subject to an adjustment provision. The additional \$306,000 will be adjusted by the Director of Finance up or down at the end of the fiscal year based on an amount equal to the actual revenues collected from the previously enacted one percent increase in the transient occupancy tax.

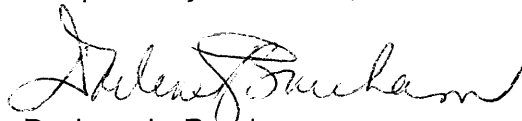
The City has negotiated a one year agreement commencing July 1, 2003 (attached) with the RVCVB detailing the use of these funds. The agreement provides for the same number of City of Roanoke representatives on the RVCVB Board of Directors as last year, but changes the method of selection to that set forth in paragraph 8 of the agreement, in accordance with the City Manager's recommendation. The agreement also contains a mutual indemnity clause, paragraph 9, which required approval of Council. The RVCVB submitted a detailed report listing the accomplishments made through April 2003, and an annual budget and work plan for 2003/2004 will be submitted to the City Manager for review and approval, upon approval of the RVCVB Board of Directors.

Mayor Smith and Members of Council
May 19, 2003
Page 2

Recommendation:

Authorize the City Manager to execute an Agreement in the amount of \$847,440 with the RVCVB, in a form approved by the City Attorney, substantially similar to the one attached hereto for the express purpose of marketing the Roanoke Valley as a regional destination for convention and destination tourism. Also, authorize the Director of Finance to make the adjustment mentioned above as set forth in the Agreement.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:ean

Attachments

c: Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Beth Neu, Director of Economic Development
David Kjolhede, Executive Director, RVCVB

CM03-00090

AGREEMENT

THIS AGREEMENT, dated July 1, 2003, is by and between the ROANOKE VALLEY CONVENTION AND VISITORS BUREAU, a corporation organized under the laws of the Commonwealth of Virginia (hereinafter "RVCVB") and the CITY OF ROANOKE, a municipal corporation of the Commonwealth of Virginia (hereinafter "City").

WHEREAS, the RVCVB is a "REGIONAL DESTINATION MARKETING ORGANIZATION" whose mission is to market the entire Roanoke Valley as an exciting destination for Convention and Leisure travel;

WHEREAS, the City is the largest contributor and with its concentration of hotels, conference center, convention facilities, shopping, dining and attractions, realizes enhancement of its tax revenues as a result of the RVCVB marketing efforts;

WHEREAS, the City desires to render aid and provide support to the RVCVB to assist in the promotion of the Roanoke Valley as a destination or meeting site for Visitors, including tourists, conventions and meeting groups, special event visitors and commercial travelers;

WHEREAS, the City desires to appropriate \$847,440 (subject to an adjustment as set forth hereinafter in Paragraph 4) to the RVCVB for the express purpose of increasing tourism activities, which is an increase of \$20,286 from last year's appropriation;

WHEREAS, the City desires to formalize its relationship with RVCVB in an effort to increase the revenue enhancement derived from tourism activity; and

WHEREAS, the City desires to assure that its appropriation of funds be used for these purposes.

THEREFORE, in consideration of the mutual promises hereinafter set forth, the parties do hereby agree as follows:

1. Term. The term of this Agreement shall be for a one-year period, from July 1, 2003, through June 30, 2004.

2. Services. Funds made available to RVCVB by the City will be applied to provide additional services resulting directly or indirectly in income producing activities, including but not limited to:

- (a) Direct sales programs.
- (b) Sales promotions.
- (c) Servicing conventions.
- (d) Marketing/communications.
- (e) Identify product need (new and improved facility and attractions).
- (f) Coordination with other City and Civic agencies and businesses involved in the growth of the Roanoke Valley.
- (g) Staff and run a Visitors' Center.
- (h) Promote and sell the Roanoke Valley as a convention and tourist destination.

3. Work Program/Budget. No later than July 30, 2003, the RVCVB shall submit to the City Manager for approval a work program, marketing plan and budget setting forth in reasonable detail the activities planned for the year and the anticipated expenditures of City funds involved. The marketing plan shall be in sufficient detail as to determine the strategy RVCVB will be pursuing in promoting and selling the Roanoke Valley as a destination for group meetings, i.e. conferences and conventions as well as tourists. Such items shall detail how the funds will be expended on specific marketing initiatives. The City Manager shall approve or otherwise respond to the proposed work programs, marketing plan and budget no later than August 22, 2003 in order that any necessary modifications be settled upon on or before August 29, 2003. Monthly reports outlining progress on convention sales, tourism activities and groups booked, bus tour activity, bookings and other information as deemed to be necessary by the City shall be submitted by the RVCVB to the City's Director of Economic Development. The lack of any written response by the City's Director of Economic Development requesting redirection of efforts within ten (10) days of receipt of each monthly report will denote satisfaction with RVCVB efforts.

4. Funding.

A. The City agrees to provide funding to RVCVB in the amount of Eight Hundred Forty-Seven Thousand Four Hundred Forty Dollars (\$847,440), subject to an adjustment as set forth in 4(B) below. The total amount shall be paid quarterly in equal payments of \$211,860 on or before the last day of July 2003, September 2003, December 2003, and March 2004.

B. Within thirty (30) days after the end of the fiscal year, June 30, 2004, the Director of Finance will make an adjustment to the amount of funding under this Contract to the RVCVB. Such adjustment will be either an increase or decrease to the amount set forth in 4(A) above. The increase or decrease in the funds provided to the RVCVB will be an amount equal to the difference between the amount of revenues actually received by the City from the previously increased one percent portion of the transient occupancy tax for the fiscal year ending June 30, 2004, and the estimated revenues from such source of \$306,000 for that fiscal year. If there is an increase in such revenues, the amount of such increase will be paid by the City to the RVCVB at the close of the fiscal year to the extent of any shortfall in its operating budget under this Contract, but only up the amount of such shortfall. Otherwise, any such funds will not be paid to RVCVB. Furthermore, if there is a decrease in the amount of revenues mentioned above, the amount of such decrease will be requested in the form of a repayment from the RVCVB to the City at the close of the fiscal year. The RVCVB will pay the City the amount of such decrease within thirty (30) days after receiving written notice from the City to do so.

5. Subcontracting. It is understood that RVCVB may from time to time contract with firms and individuals for the acquisition of goods or services in the furtherance of the activities contemplated by this Agreement. RVCVB shall not enter into any contract relating to activities contemplated by this Agreement or involving the expenditure of funds provided to RVCVB by the City under this Agreement, where the amount of such contract is \$5,000 or more, without written

authorization of the City Manager unless the nature of the goods or services to be acquired were disclosed in the work program or annual plan and budget submitted for the year.

6. Books and Records, Audits. RVCVB shall keep accurate books and records. Both monthly P&L and Income Statements as well as an audited financial statement shall be made available to the City upon request. Additionally, RVCVB shall make such books and records available to the Municipal Auditor of the City or other independent auditor selected by the City during its regular office hours.

7. Contacts with Prospective Clients. As specified in paragraph 3, the RVCVB shall inform the City's Director of Economic Development on a regular basis of work in progress at the RVCVB. A representative from the City shall have the right to be present at any formal bid presentations made to any potential group meeting or business meeting.

8. Board of Directors. City Council shall appoint one person as members of the Board of Directors of the RVCVB. Such appointee shall have full voting rights and privileges during the term of this Agreement and shall serve on the Board at the pleasure of City Council. In addition, the City Manager, the City's Director of Economic Development or her designee, the Chairman of the Hotel Roanoke Conference Center Commission or his designee, and the Chairman of the Roanoke Civic Center Commission or his designee, shall be members of the Board, with full voting rights and privileges during the term of this Agreement.

9. Indemnification. To the extent permitted by law, each party shall indemnify and hold harmless the other party, its officers, agents and employees, from any and all claims, legal actions and judgments advanced against it or its officers, agents or employees, and for expenses it may incur in this regard, arising out of the other's negligent acts or omissions, with respect to carrying out this Agreement.

10. Insurance. RVCVB shall obtain and maintain during the life of this Agreement a policy or policies of commercial general liability insurance with an insurance company or companies licensed to do business in Virginia, which policy or policies shall provide coverage with respect to claims arising out of the subject matter of this Agreement. The amount of such insurance shall not be less than \$1,000,000. RVCVB shall also obtain and maintain during the life of this Agreement Directors and Officers Liability insurance in the amount of \$1,000,000 per occurrence providing coverage, including defense costs, with respect to claims arising out of the subject matter of this Agreement. All such policies shall be occurrence policies and shall name the City of Roanoke, its officers, agents, employees and representatives as additional insureds under the commercial general liability policy and, if possible, under the Directors and Officers Liability policy. RVCVB shall provide the City with certificates of insurance for each of the above policies and each certificate shall contain substantially the following statement: "The insurance coverage provided by this certificate shall not be canceled or materially altered except after thirty (30) days written notice has been provided to the City of Roanoke."

11. Assignment. Neither the City nor RVCVB may assign its rights or obligations hereunder without the prior written consent of the other.

12. Notices. Any notices required by the terms of this Agreement shall be deemed to have been given when delivered in person to or deposited in the U.S. mail, via first class postage, addressed:

(a) If to the City:

City Manager
City of Roanoke
Noel C. Taylor Municipal Building, Room 364
215 Church Avenue, S. W.
Roanoke, Virginia 24011

And

Director of Economic Development
111 Franklin Plaza, Suite 200
Roanoke, VA 24011

(b) If to the RVCVB:

Executive Director
Roanoke Valley Convention and Visitors Bureau
Marketplace Center
114 Market Street
Roanoke, Virginia 24011

or at such other address as each party may designate for itself by giving at least five (5) days prior written notice to the other party.

13. Nondiscrimination.

A. During the performance of this Agreement, the RVCVB agrees as follows:

1. RVCVB will not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of RVCVB. RVCVB agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
2. RVCVB, in all solicitations or advertisements for employees placed by or on behalf of RVCVB will state that RVCVB is an equal employment opportunity employer.

3. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

B. RVCVB will include the provisions of the foregoing subparagraphs (A)(1), (2) and (3), in every subcontract or purchase order of over ten thousand dollars (\$10,000.00), so that the provisions will be binding upon each subcontractor or vendor.

14. Drug Free Workplace.

(A) During the performance of this Contract, the RVCVB agrees to (i) provide a drug free workplace for the RVCVB's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the RVCVB's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of RVCVB that RVCVB maintains a drug free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

(B) For the purpose of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the Contract.

15. Faith Based Organizations. Pursuant to Virginia Code Section 2.2 - 4343.1, be advised that the City of Roanoke does not discriminate against faith-based organizations.

16. Termination. The City may terminate this Agreement at any time if RVCVB applies funds paid to RVCVB by the City for any purpose other than the purposes contemplated by this Agreement, provided that reasonable notice and opportunity to cure shall first be afforded, or if RVCVB fails to perform any of the other obligations under this Agreement or as otherwise allowed by law. Upon termination of this Agreement, the number of City representatives on the Board of Directors of RVCVB shall be reduced to two (2). In such event, the City Manager shall designate the City's representatives to remain on the Board or in the event the City Manager does not so designate within 14 days of termination of the contract, the President of RVCVB shall make the designation.

17. Duplicate Originals. This Agreement may be executed in duplicate, each of which shall be deemed to be an original and all of which will be deemed to represent one and the same Agreement.

18. Nonwaiver. RVCVB agrees that the City's waiver or failure to enforce or require performance of any term or condition of this Agreement or the City's waiver of any particular breach of this Agreement by RVCVB extends to that instance only. Such waiver or failure is not and shall not be a waiver of any of the terms or conditions of this Agreement or a waiver of any other breaches of the Agreement by RVCVB and does not bar the City from requiring RVCVB to comply with all the terms and conditions of the Agreement and does not bar the City from asserting any and all rights and/or remedies it has or might have against RVCVB under this Agreement or by law.

19. Cooperation. Each party agrees to cooperate with the other in executing any documents necessary to carry out the intent and purpose of this Agreement.

20. Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements between the parties. No amendment to this Agreement will be valid unless made in writing and signed by the appropriate parties.

IN WITNESS WHEREOF, the City and the RVCVB have caused this Agreement to be executed and sealed by their respective authorized representatives.

ATTEST:

CITY OF ROANOKE

Mary F. Parker, City Clerk

By _____
Darlene L. Burcham, City Manager

ATTEST:

ROANOKE VALLEY CONVENTION
AND VISITORS BUREAU

By: _____

Printed Name and Title

Printed Name and Title

Approved as to form:

Appropriation & Funds required for this
Contract certified:

City Attorney

Director of Finance

Approved as to execution

Account No.

City Attorney

Date: _____

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

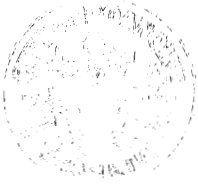
A RESOLUTION authorizing an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of increasing tourism in the Roanoke Valley.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager and the City Clerk are hereby authorized to execute and to attest, respectively, an agreement with the Roanoke Valley Convention and Visitors Bureau for a term of one year, from July 1, 2003, through June 30, 2004, unless sooner terminated in accordance with the provisions of the agreement, for the purpose of increasing tourism and marketing the Roanoke Valley as a regional destination for convention, conference, leisure and business travel, all as more fully set forth in the City Manager's letter to this Council dated May 19, 2003.
2. The contract amount authorized by this resolution shall not exceed \$847,440 without further Council authorization, except for the adjustment which the Director of Finance is authorized to make in accordance with the agreement.
3. Such agreement shall be in such form as is approved by the City Attorney, and shall be substantially similar to the one attached to the above mentioned letter.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
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CityWeb: www.roanokegov.com

May 19, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly Fitzpatrick, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Regional Automated
Library System Test
Server

Background:

The City of Roanoke, City of Salem, County of Roanoke and County of Botetourt currently share an automated library system under an agreement signed in 1988. This agreement gives the responsibility for operating, maintaining and administering this library system to the City of Roanoke. This consortium operates under the name Roanoke Valley Libraries (RVL).

Due to limitations of their 11-year old system, RVL upgraded the system to a more comprehensive library system in September 2002. This new system has added many new capabilities for the libraries as well as a comprehensive online Internet catalogue for citizens of the Roanoke Valley. RVL wishes to purchase hardware and software to set up a second library server for testing new releases of the software and as a backup to the primary library server. The Library Directors and the RVL Implementation Committee have approved the purchase of this test system.

Considerations:

The total cost for the test system is \$48,947. Costs for the system are divided among the localities based on the following percentages:

City of Roanoke	30.1%	\$14,733
City of Salem	10.4%	\$5,090
County of Roanoke	46.0%	\$22,516
County of Botetourt	13.5%	\$6,608

Funding for the City of Roanoke's share is available in the Enterprise Project Management System account (013-430-9858) as approved by the Information Technology Committee (ITC).

Recommended Action:

Transfer \$14,733 from the Enterprise Project Management System Account (013-430-9858) to an account established by the Director of Finance in the Technology Fund.

Increase the Roanoke Regional Area Library revenue estimate (013-430-9887-1069) by \$34,214 and appropriate these funds to the same Technology Fund account.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:kc

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget

#CM03-00093

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Department of Technology Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Department of Technology Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Capital Outlay	\$ 13,418,708
Enterprise Project Management System (1)	45,267
Regional Library Test Server (2-3)	48,947

Revenues

Nonoperating	\$ 34,214
DOT - Salem and County (4)	34,214

1) Appropriated from		
General Revenue	(013-430-9858-9003)	\$ (14,733)
2) Appropriated from		
General Revenue	(013-430-9887-9003)	14,733
3) Appropriated from		
Other Governments	(013-430-9887-8999)	34,214
4) DOT - Salem and County	(013-430-9887-1069)	34,214

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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May 19, 2003

The Honorable Ralph K. Smith, Mayor
The Honorable Nelson Harris, Vice-Mayor
The Honorable William Bestpitch, Council Member
The Honorable Rupert Cutler, Council Member
The Honorable Alfred Dowe, Council Member
The Honorable Beverly Fitzpatrick, Jr., Council Member
The Honorable Linda Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Occupational Health Clinic Lease

Background:

The City currently leases 2,525 square feet of office space at 120 Kirk Avenue SW, to house the Occupational Health Clinic. The Clinic also uses an additional 1,400 square feet in an adjoining office suite at 114B Kirk Avenue, as a training facility. The rental rate for these two spaces is \$1,850 per month. The current agreement between the City and Kirk Avenue Properties, LLC, expires May 31, 2003.

Considerations:

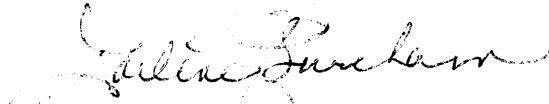
While the Clinic is expected to relocate to City owned facilities in the next two years, the space currently being leased is still needed. City staff has negotiated terms for a new agreement to lease 114B and 120 Kirk Avenue SW. The term of the new agreement is one year, June 1, 2003 through May 31, 2004. There are two one-year renewal options at the Lessee's discretion. The rental rate will be \$2,000 per month. If the renewal options are exercised, the rent will be \$2,150 per month for the second year and \$2,300 per month for the third year. As with the current lease agreement, the City will continue to provide its own janitorial service and minor routine maintenance.

Funds are available in the adopted budget for FY 03-04 Occupational Health Clinic's Operating Account 001-340-1263-3075, and will be included as part of the budgeting process in subsequent years.

Recommended Action(s):

Authorize the City Manager to execute a new lease agreement with Kirk Avenue Properties, LLC, as summarized above and in form approved by the City Attorney.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/slm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Marquita Brown, Occupational Nurse
Scott L. Motley, Economic Development Specialist

CM03-00095

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the City Manager to enter into a lease agreement with Kirk Avenue Properties, LLC, or its successor, for office space at 114B Kirk Avenue for a training facility and 120 West Kirk Avenue for the Occupational Health Clinic, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and City Clerk are authorized to execute and attest, respectively, for and on behalf of the City, in form approved by the City Attorney, a lease agreement with Kirk Avenue Properties, LLC, or its successor, for 2,525± square feet of office space at 120 West Kirk Avenue, S.W., for use by the Occupational Health Clinic, for one year, beginning June 1, 2003, at a rate of \$2,000.00 per month, with an option to renew for two additional one-year terms at a rate to be increased each year by \$150.00 per month, as more fully described in a letter of the City Manager to City Council dated May 19, 2003. Such lease shall be in form approved by the City Attorney.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
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May 19, 2003

Honorable Ralph K. Smith, Mayor
Honorable, C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Culter, Council Member
Honorable Alfred T. Dowe Jr., Council Member
Honorable Beverly T. Fitzpatrick Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of Grant for Consumer
Health Information and Referral Service

Background:

The City of Roanoke Public Library System has received notification of a \$49,116 grant from the National Network of Libraries of Medicine/ Southeastern Atlantic Region which will provide funding to train consumers how to access quality health information on the Internet.

The primary goal of the service is to improve the public health by (a) empowering individuals-especially, those with low incomes, minority, youth and the elderly- to develop an understanding of the practices and benefits of preventative and early intervention health care; (b) improving the likelihood of successful treatment outcomes by allowing users of the Roanoke Public Library system to better understand treatment protocols; and (c) preparing consumers and patients, both insured and uninsured, to interact more confidently and effectively with their health care providers by helping them to develop well-informed questions and to conduct research that will help them better understand their own health issues. In a recent study by Carilion Health System, local health care providers and health professionals concluded that equipping citizens with better consumer health oriented information is a critical need of our community.

Considerations:

Grant funds will be used to hire temporary staff in the Main Library's Reference and Automation Departments. In addition, funds will be used for the purchase of

equipment, reproduction and printing costs, professional services/consultations, advertising, interlibrary loan services, and publications and subscriptions on health issues.


Major elements of the service include (a) the formation of a work group of community based and social service agencies to advise the library on development and implementation of service; (b) training of Roanoke Public Library staff and key community volunteers on consumer health information by Roanoke Public Library's two medical health librarians; and (c) the selection and purchase of publications, databases and web-based resources. Coordination of the above elements is underway by the Library's Head of Reference Services.

Recommended Action:

Accept the National Network of Libraries of Medicine/Southeastern Atlantic Region grant in the amount of \$49,116 and authorize the City Manager to execute an agreement with the National Network of Libraries of Medicine/Southeastern Atlantic Region and any other forms necessary to accept such a grant, approved as to form by the City Attorney.

Appropriate \$49,116 and establish a corresponding revenue estimate in grant funding in accounts to be established in the grant fund by the Director of Finance.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:wz

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Wlodek Zarcynzy, Director of Libraries
Rolanda Russell, Assistant City Manager for Community Development

CM03-0085

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Parks, Recreation and Cultural	\$ 240,516
Consumer Health Information (1-7)	49,116

Revenues

Parks, Recreation and Cultural	\$ 240,516
Consumer Health Information (8)	49,116

1) Temporary Wages	(035-650-9743-1004)	\$ 27,830
2) Fees for		
Professional Services	(035-650-9743-2010)	8,000
3) Advertising	(035-650-9743-2015)	3,000
4) Expendable Equipment		
<\$5,000	(035-650-9743-2035)	4,000
5) Publications and		
Subscriptions	(035-650-9743-2040)	2,500
6) Printing	(035-650-9743-2075)	2,186
7) Library Loans	(035-650-9743-2163)	1,600
8) Consumer Health Information	(035-650-9743-9743)	49,116

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of a grant award from the National Network of Libraries of Medicine/Southeastern Atlantic Region, to provide funding for the purpose of training consumers on how to access quality health information on the Internet, to improve the public health by providing citizens with better consumer health oriented information, and authorizing execution of any and all necessary documents for acceptance of the grant.

WHEREAS, a recent study by Carilion Health System concluded that equipping citizens of the City of Roanoke with better consumer health oriented information is a critical need of the community; and

WHEREAS, the grant will provide funding to empower individuals, particularly those with low incomes, minority, youth and the elderly, to develop an understanding of the practices and benefits of preventative and early intervention health care, improving the likelihood of successful treatment outcomes by better understanding treatment protocols; and preparing consumers and patients to interact more confidently and effectively with their health care providers by helping them to develop well-informed questions and to conduct research that will help them better understand their health issues.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that:

1. The grant award from the National Network of Libraries of Medicine/Southeastern Atlantic Region, for the purpose of training consumers on how to access quality health information on the Internet and to improve the public health by providing citizens with better consumer health oriented information, in the amount of \$49,116.00, as set forth in the City Manager's letter to Council dated May 19, 2003, is hereby ACCEPTED.

2. The City Manager, or her designee, is hereby authorized to execute any and all requisite documents pertaining to the City's acceptance of these funds and to furnish such additional information as may be required in connection with the City's acceptance of these grant funds. All documents shall be approved by the City Attorney.

ATTEST:

City Clerk.

CITY OF ROANOKE

OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 19, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Appropriation of funds for moving
Social Services to Civic Mall

The consolidation of the majority of human service agencies into one location resulted in the City leasing office space within the Civic Mall building at 1502 Williamson Road. Design and construction work for the Civic Mall required under the lease agreement previously approved by Council is underway. Additional funding in the amount of \$606,000 is required to cover costs associated with the purchase of systems furniture for approximately 235 employees, casework, and design fees. Bids for furnishings and casework have been received and contracts need to be awarded before the bids expire on May 21, 2003.

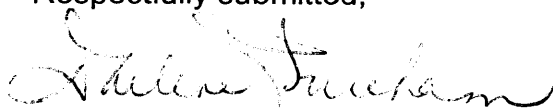
Funding is available in the following accounts:

CMERP Reserve (Account #001-300-9410-2197)	\$572,814
FY02 CMERP Balance (Account #001-3323)	<u>33,186</u>
	\$606,000

Recommended Action:

Transfer funds as listed above totaling \$606,000 to a new account to be established by the Director of Finance in the Capital Projects Fund entitled Civic Mall Relocation.

Respectfully submitted,



Darlene L. Butcham
City Manager

DLB/SEF

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, P.E., L.S., City Engineer

#CM03-00092

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General and Capital Projects Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Nondepartmental	\$	75,464,665
Transfers to Other Funds (1)		74,868,947
General Fund Reserve (2)		-0-

Fund Balance

Reserved Fund Balance	\$	3,752,643
Reserved for CMERP - City (3)		133,414

Capital Projects Fund

Appropriations

General Government	\$	9,779,639
Civic Mall Relocation (4-5)		606,000

Revenues

Nonoperating	\$	4,861,438
Transfer from General Fund (6)		4,819,498

- | | | |
|-------------------------|---------------------|------------|
| 1) Transfer to | | |
| Capital Projects Fund | (001-250-9310-9508) | \$ 606,000 |
| 2) General Fund Reserve | (001-300-9410-2197) | (572,814) |

3) Reserved for CMERP - City	(001-3323)	\$(33,186)
4) Appropriated from General Revenue	(008-530-9815-9003)	572,814
5) CMERP - Equipment Purchase	(008-530-9815-9132)	33,186
6) Transfer from General Fund	(008-110-1234-1037)	606,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 19, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Sewer Extension Policy
CM03-00100

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" being more prominent.

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
City Clerk
Director of Finance

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining Section 26-2, General requirements for disposal of human excreta and maintenance of toilet rooms, Section 26-3, Mandatory sewer connections, and Section 26-8, Extension of sanitary sewers within city, of Article I, In General, of Chapter 26, Sewers and Sewage Disposal, requiring connection to the public sanitary sewer, with certain exceptions, and for the extension of public sewer mains to serve all buildings; and dispensing with the second reading by title of this ordinance.

1. Section 26-2, General requirements for disposal of human excreta and maintenance of toilet rooms, of Article I, In General, of Chapter 26, Sewers and Sewage Disposal, is hereby amended and reordained to read and provide as follows:

~~§ 26-2. General requirements for disposal of human excreta and maintenance of toilet rooms.~~

(a) ~~Every building or other place in the city where human beings live, are employed or congregate shall be provided with adequate means for the disposal of human excreta and such excreta shall be disposed of in such a manner as not to be accessible to flies or animals and not to endanger a source of drinking water. Wherever a public sanitary sewer is available, as provided for in section 26-3, all such places shall be provided with adequate flush water closets of an approved type, properly connected with such sewer. Wherever such a sewer is not available, all such places shall be provided with a septic tank constructed in accordance with rules and regulations of the state department of health.~~

(b) ~~All toilet rooms shall be maintained, at all times, in a clean and sanitary condition.~~

* * *

§ 26-2. Use of House or Building Without Approved Method of Disposal of Sewage Prohibited.

It shall be unlawful for the owner of any house or building used as a place of human habitation, any warehouse, any public building or other place where human beings congregate or are employed in the city to use or occupy, or to rent or lease the same for the use or occupancy by any person, or for any person to use or occupy the same unless and until the house or building shall have been supplied or equipped with an approved method of disposal of human excreta and that such method of disposal will comply with the provisions of this chapter and the regulations of the state department of health.

2. Section 26-3, Mandatory sewer connections, of Article I, In General, of Chapter 26, Sewers and Sewage Disposal, is hereby amended and reordained to read and provide as follows:

§ 26-3. Mandatory sewer connections.

- ~~(a) — The owner of each and every occupied tenement or the person constructing a building or facility abutting in any manner upon any street or alley through which runs a public sanitary sewer shall be required to connect his premises with such sewer in accordance with the provisions of this chapter. Any person who shall fail to make such connection, after sixty (60) days notice from the city manager, shall be guilty of a violation of this section.~~
- ~~(b) — Notwithstanding any other provision of this Code, whenever failure to make the required connection would result in a bona fide health hazard and the abutting owner is able to establish financial inability to pay legally imposed charges incident to such connection, then and in such event the city manager may provide for the necessary work and labor to accomplish such connection and authorize the payment of such charges in monthly installments for a period not to exceed five (5) years from the date such charges initially accrue, with interest at the legal rate. Such deferred payments shall be evidenced by a note and secured by a deed of trust to be recorded, without expense to the city, in the clerk's office of the circuit court of the city.~~

The owner or person constructing a house or building as described in Sec. 26-2, on property abutting in any manner upon a street, alley, public right-of-way or public easement through which runs a public sanitary sewer, shall be required to connect such house or building with such sewer in accordance with the provisions of this chapter. Any person who shall fail to make such connection, after sixty (60) days notice from the

city manager, shall be guilty of a violation of this section. If a public sanitary sewer line is not abutting such property, an off-site extension of the existing public sanitary sewer system shall be made in accordance with the provisions of this chapter. Off-site sewer system requirements are described further in Sec. 26-8.

* * *

3. Section 26-8, Extension of sanitary sewers within City, of Article I, In General, of Chapter 26, Sewers and Sewage Disposal, is hereby amended and reordained to read and provide as follows:

§ 26-8. Extension of sanitary sewers within city.

~~(a) Upon proper application for the extension of a public sanitary sewer within the city, the city may bear one half of the cost of the first three hundred (300) feet of such extension and the applicant shall pay the other one half of the cost thereof.~~

~~(b) Any applicant who constructs a sanitary sewer extending more than three hundred (300) feet may be eligible for reimbursement by the city, based on availability charges collected by the city in accordance with the following procedure:~~

~~(1) Any applicant who wants to construct a sanitary sewer line extending more than three hundred (300) feet, in order to be eligible for this reimbursement procedure, shall make proper application to the office of the city manager, which application shall include the proposed construction plans of the sewer line.~~

~~(2) Upon approval of the application by the office of the city manager, an agreement shall be entered into by the applicant and the city, which agreement shall include, but not be limited to, the following provisions:~~

~~a. Upon completion of construction of the sanitary sewer, the applicant shall provide the city manager with a certified statement of the cost of construction.~~

~~b. Upon the approval of the certified statement by the city manager, the city shall collect an availability charge from any person, other than the applicant, who connects to the sewer line, provided that the connection is made within ten (10) years from the completion date of the sanitary sewer and the connection is not made on the initial three hundred (300) feet of the sanitary sewer.~~

~~c. The availability charge to be collected shall be equal to the pro rata share of the initial construction cost of the line~~

~~beyond the initial three hundred (300) feet, which share is based on the capacity of the sanitary sewer initially extended versus the flow through the connection to be made and the pro rata portion of the footage involved. Flows so used shall be the average flows as computed by the state's sanitary sewer regulations for average design flows.~~

- ~~d. The availability charges so collected shall be refunded by the city to the applicant; provided, however, that the amount to be refunded to the applicant shall not exceed the construction cost of the extension of the sewer line beyond the initial three hundred (300) feet.~~

- ~~(e) If the city pays for all or part of the construction costs of the extension of a sanitary sewer beyond the initial three hundred (300) feet, the city shall collect and retain the availability charges, as set forth in subsection (b) of this section; provided, however, that the collection of availability charges shall not apply to those persons assessed for sewer improvements in accordance with the procedures established by section 24-1 of this Code. The payment by any person of any costs or charges as set forth in this section shall not relieve such person from the payment of all sanitary sewer connection costs, including the connection fees prescribed by the council pursuant to section 7-48 of this Code.~~

(a) Upon proper application for the off-site extension of a public sanitary sewer within the city, the city may bear one-half of the construction cost of such extension and the applicant shall pay the other one-half of the construction cost thereof and any additional cost, less any credits, as provided in this section. If the city participates in the construction cost of the off-site extension, payment by the city shall be due upon completion by the applicant, and acceptance of such extension by the city. An off-site sanitary sewer is defined as any sewer system located or to be located outside such house or building's property. The off-site sewer system shall be a public sanitary sewer line located in a street, alley, public right-of-way or public easement.

(b) The applicant shall design and install an off-site public gravity-sewer main to serve its property. All design for public sewer mains shall be performed by a professional engineer, licensed in the Commonwealth of Virginia, and must be approved by the city. If an extension of an off-site public gravity-sewer main to the property is determined not to be feasible by the city manager due to its length, depth, development, subsurface conditions or cost, the applicant shall design and install a public pressure-sewer main within the public right-of-way or public easement.

(c) *If a house or building is constructed at an elevation that does not permit gravity flow into the public sewer system, a private pumping facility shall be constructed for such house or building. The pumping facility shall be located on private property, with a private pressure-sewer service line connecting such facility with the public sewer main.*

(d) *If an extension of the off-site public pressure-sewer main is not determined feasible by the city manager due to its length, depth, development, subsurface conditions or cost, the applicant may install a septic tank constructed in accordance with the rules and regulations of the state department of health.*

(e) *Credits will be allowed towards the increased costs for any off-site extensions if the city requires a line size in excess of the minimum size required to serve the applicant. Credits will be equal to 100% of the difference in cost for furnishing and installing the minimum line size and furnishing and installing the line size otherwise required by the city to serve the applicant.*

(f) *The payment by any person of any costs or charges as set forth in this section shall not relieve such person from the payment of all sanitary sewer connection costs, including the connection fees prescribed by the council pursuant to section 26-4.1 of this Code.*

(g) *Notwithstanding any other provision of this Code, whenever the abutting owner is able to establish financial inability to pay legally imposed charges incident to such extension, the city manager may provide for the necessary work and labor to accomplish such connection and authorize the payment of such charges in monthly installments for a period not to exceed five (5) years from the date such charges initially accrue, with interest at the legal rate. Such deferred payments shall be evidenced by a note and secured by a deed of trust on the property served by the extension to be recorded, without expense to the city, in the clerk's office of the circuit court of the city.*

* * *

2. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 19, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Citizen Corps Grant Funds
CM03-0091

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" and last name "Burcham" clearly distinguishable.

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
City Clerk
Director of Finance

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

General Government	\$ 62,692
Citizen Corps Council Grant (1-4).....	5,000
Community Emergency Response Team Grant (5-7).....	35,000

Revenues

General Government	\$ 62,692
Citizen Corps Council Grant (8).....	5,000
Community Emergency Response Team Grant (9).....	35,000

1) Advertising	(035-660-9641-2015)	\$ 1,500
2) Administrative Supplies	(035-660-9641-2030)	2,505
3) Training and Development	(035-660-9641-2044)	495
4) Postage	(035-660-9641-2160)	500
5) Fees for Professional Services	(035-660-9642-2010)	16,050
6) Advertising	(035-660-9642-2015)	2,856
7) Administrative Supplies	(035-660-9642-2030)	16,094
8) Citizen Corps Council Grant	(035-660-9641-3417)	5,000
9) Community Emergency Response Team Grant	(035-660-9642-3418)	35,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

D.T.
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to accept two federal grants administered by the Commonwealth of Virginia Department of Emergency Management that have been awarded to the Roanoke Valley Citizen Corps Council, in the respective amounts of \$5,000 for the Citizens Corps Council and \$35,000 for the Community Emergency Response Team; authorizing execution of any required documents on behalf of the City for acceptance of such grants; and authorizing the City Manager to furnish such additional information and take such additional action as may be needed to implement and administer such grants.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager is authorized, on behalf of the City of Roanoke, to accept two federal grants administered by the Commonwealth of Virginia Department of Emergency Management that have been awarded to the Roanoke Valley Citizen Corps Council, in the respective amounts of \$5,000 for the Citizens Corps Council and \$35,000 for the Community Emergency Response Team and to execute any required documents on behalf of the City for acceptance of such grants.

2. The City Manager is further authorized to provide such additional information and take such additional action as may be needed to implement and administer such grant funds and grant agreements, all as more fully set forth in the City Manager's letter to Council dated May 19, 2003.

ATTEST:

City Clerk.



Gloria P. Manns, Chairman
Ruth C. Willson, Vice Chairman
F. B. Webster Day

Marsha W. Ellison
William H. Lindsey
Melinda J. Payne

Robert J. Sparrow^{7-a.}
E. Wayne Harris, Ed.D., Superintendent
Cindy H. Lee, Clerk of the Board

Roanoke
City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

May 19, 2003

The Honorable Ralph K. Smith, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its May 13 meeting, the Board respectfully requests City Council to approve the following appropriations:

- \$57,008.00 from the Capital Maintenance and Equipment Replacement Fund for school bus route management software and the replacement of school buses.
- \$2,100,000.00 for the Lincoln Terrace improvements. Funding will be utilized from Literary funds and Qualified Zone Academy Bond funds.

Thank you for your attention to this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mrs. Gloria P. Manns
Dr. E. Wayne Harris
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy
Mr. William L. Murray

Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mr. Jim Wells (with accounting details)



CITY OF ROANOKE
DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

May 19, 2003

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

The Honorable Ralph K. Smith, Mayor
 The Honorable C. Nelson Harris, Vice Mayor
 The Honorable William D. Bestpitch, Council Member
 The Honorable M. Rupert Cutler, Council Member
 The Honorable Alfred T. Dowe, Jr., Council Member
 The Honorable Beverly T. Fitzpatrick, Jr., Council Member
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

- \$57,008 from the Capital Maintenance and Equipment Replacement Fund for school bus route management software and the replacement of school buses.
- \$2,100,000 for the Lincoln Terrace improvements. Funding will be provided by \$1.3 million in Literary Loan Funds and \$800,000 in Qualified Zone Academy Bond funds.

I recommend that you concur with this report of the School Board.

Sincerely,

Jesse A. Hall
 Director of Finance

Attachment

JAH/ctg

c: Darlene L. Burcham, City Manager
 William M. Hackworth, City Attorney
 Mary F. Parker, City Clerk
 E. Wayne Harris, Superintendent of City Schools

SW

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School and School Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 School and School Capital Projects Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

School Fund

Appropriations

Education	\$ 138,258,187
Facilities (1-2)	3,746,826

Fund Balance

Reserved for CMERP - Schools (3)	\$ 549,235
--	------------

School Capital Projects Fund

Appropriations

Education	\$ 23,517,418
Lincoln Terrace Renovation (4-5)	2,215,780

Revenues

Intergovernmental	\$ 13,550,530
Lincoln Terrace Renovation (6-7)	2,195,780

1) School Bus Replacement	(030-065-6006-6676-0808)	\$ 16,358
2) School Bus Route Management Software	(030-065-6006-6676-0826)	40,650
3) Reserved for CMERP-Schools	(030-3324)	(57,008)
4) Appropriated from Literary Loan/VPSA Bonds	(031-065-6064-6896-9006)	1,300,000
5) Appropriated from QZAB	(031-065-6064-6896-9109)	800,000
6) VPSA Bonds – Lincoln Terrace Renovation	(031-065-6064-1291)	1,300,000
7) QZAB – Lincoln Terrace	(031-065-6064-1295)	800,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

May 19, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Liberty Property Limited Partnership, represented by Alan T. Lingerfelt, Senior Vice President, that a 0.186 acre portion of the right-of-way of Blue Hills Circle, N.E., be permanently vacated, discontinued and closed.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, April 17, 2003. By a vote of 6-0 (Mr. Manetta absent), the Commission recommended approval of the requested closure.

Background:

The petitioner requests closure and vacation of a portion of unimproved right-of-way to add the land to their adjoining parcel. The petitioner owns all of the adjoining property to which this portion of right-of-way would be added.

The Department of Economic Development has assisted the petitioner in expanding its current business. This portion of right-of-way is unrelated to the lot coverage needed for the expansion; rather it will add front yard space to the development.

The subject portion of right-of-way previously was a temporary cul-de-sac, which then became surplus property when Blue Hills Circle was extended. This portion of right-of-way should have been vacated at that point, as it was not needed for any improvements to Blue Hills Circle.

Dana Dame of Liberty Property Limited Partnership spoke on behalf of the petitioner. Staff stated that the portion of right-of-way would not add any development potential to the petitioner's adjoining parcel, and that it was never intended to be improved with the extension of Blue Hills Circle.

Considerations:

The petitioner owns Official Tax Map Numbers 7210101. The petitioner is in the process of expanding the current facility at the site.

The petitioner's property is located in the Roanoke Centre for Industry and Technology, as are all the adjoining properties to the west, south, and southeast. To the north, northwest and northeast, the petitioner's property line is the City corporate limits line with Roanoke County.

The petitioner's and all the adjoining City properties are zoned LM, Light Manufacturing.

The area is served by public utilities. Staff received comments from American Electric Power (AEP), Verizon and Roanoke Gas, all of whom stated no objection to the request, provided a public utility easement is maintained, as is standard procedure.

Staff received no comments in opposition to this request.

The petitioner has submitted a survey with this request illustrating the maintenance of 30 feet of right-of-way from the centerline, which is consistent with the 60-foot width of most of Blue Hills Circle. Thus, vacation of this portion of right-of-way will not affect any future improvements to Blue Hills Circle and will allow this unnecessary portion of right-of-way to be added to the petitioner's parcel, as was originally intended.

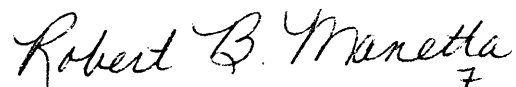
Recommendation:

By a vote of 6-0 (Mr. Manetta absent), the Planning Commission recommends approval of the petitioner's request to vacate, discontinue and close the subject portion of right-of-way, subject to the conditions listed below. The Commission recommends that the petitioner not be charged a fee for this piece of property.

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.

- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert B. Manetta" with a small mark below the name.

Robert B. Manetta, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Petitioner

IN THE CITY COUNCIL OF ROANOKE, VIRGINIA

IN RE:

Application of Liberty Property Limited Partnership
for vacation of a portion of Blue Hills Circle, N.E.

)APPLICATION FOR
)VACATING,
)DISCONTINUING
)AND CLOSING
)BLUE HILLS CIRCLE N.E.

Liberty Property Limited Partnership applies to have .186 acres of right-of-way in the shoulder of Blue Hills Circle, in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2-2006 and Section 30-14, code of the City of Roanoke (1979), as amended. This portion of right-of-way is more particularly described on the plat attached and as follows:

.186 acres bounded by corners 1, 11, 10, 9, 12 to 1 existing ROW of Blue Hills Circle
NE

Liberty Property Limited Partnership states that the grounds for this application are as follows:

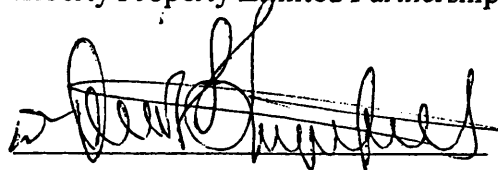
- (1) No adjacent landowners are impacted in any way. The right-of-way to be vacated is not required for the function of Blue Hills Circle, N.E.

(2) The control and maintenance of the property would be best suited to the abutting property owner who has recently undertaken a significant expansion of the building and business activities at the Elizabeth Arden facility.

WHEREFORE, Liberty Property Limited Partnership respectfully requests that the above-described right-of-way be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, code of the city of Roanoke (1979), as amended.

Respectfully submitted

Liberty Property Limited Partnership

 3/4/2003

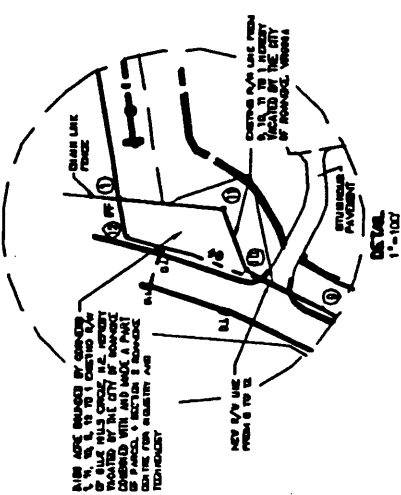
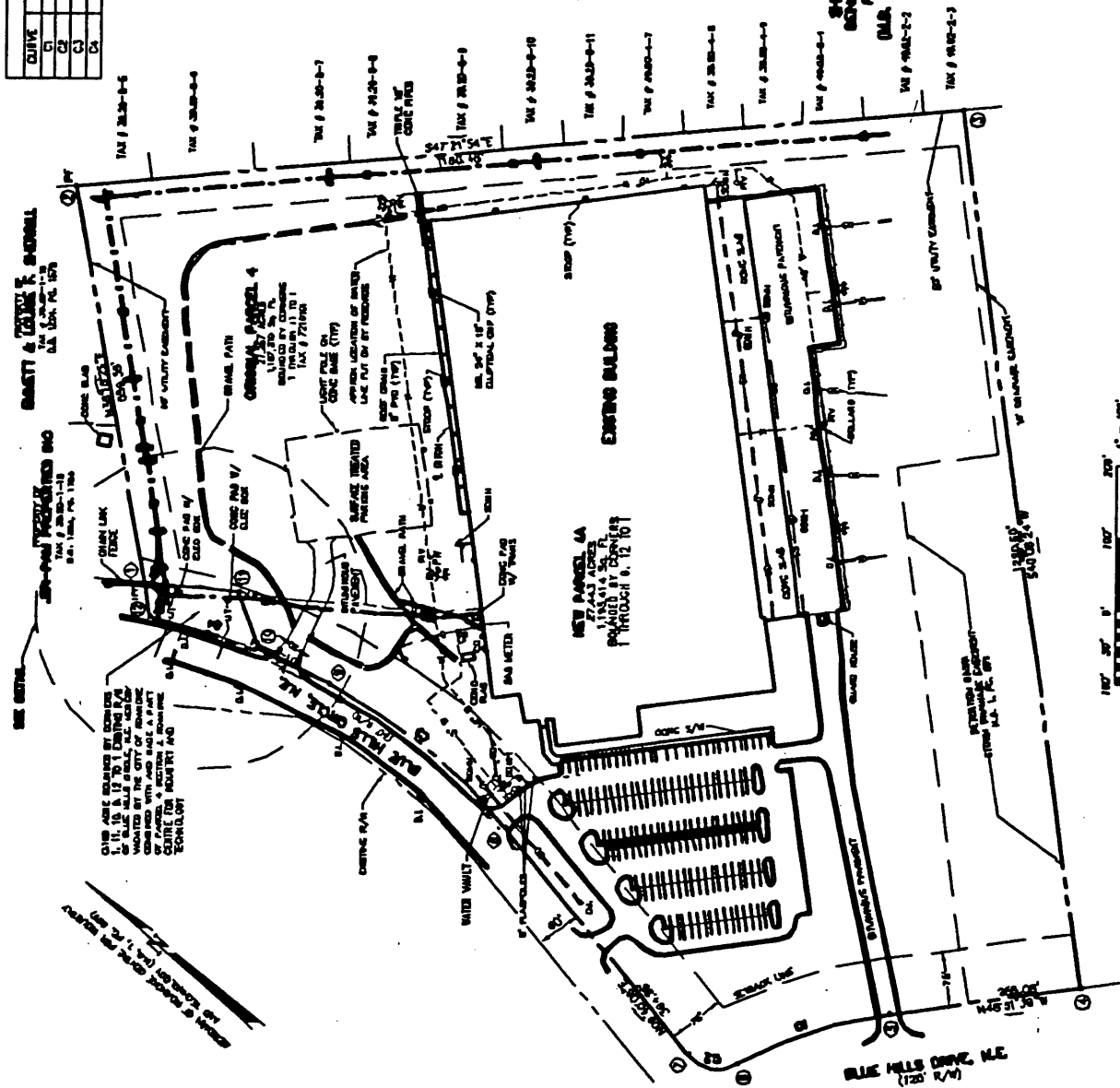
Date

NAME: Alan T. Lingerfelt, Senior Vice President
ADDRESS: Liberty Property Trust
12 South Third ST
Richmond, VA 23219

PHONE: 804-644-9111

CHUTE	LENGTH	RADIUS	DELTA	ANGLES	BEARING	CHORD
C1	214.28	300.00	22°44'08"	101.37	181°13'11"W	232.88
C2	71.79	50.00	82°30'14"	43.87	331°27'00"W	88.18
C3	309.23	72.84	24°28'17"	134.40	105°32'03"W	375.88
C4	207.13	1097.14	15°23'37"	128.20	362°28'55"W	218.48

LINE	BEARING	DISTANCE
1-10	N14°44'11"W	108.00
10-11	N17°33'44"E	81.48
11-12	N19°30'49"W	128.00
12-13	S30°15'22"W	48.18



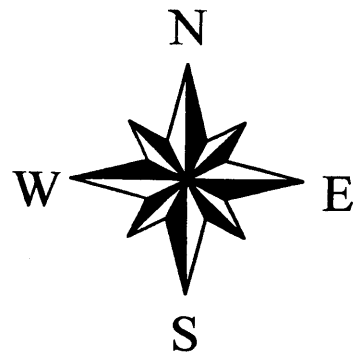
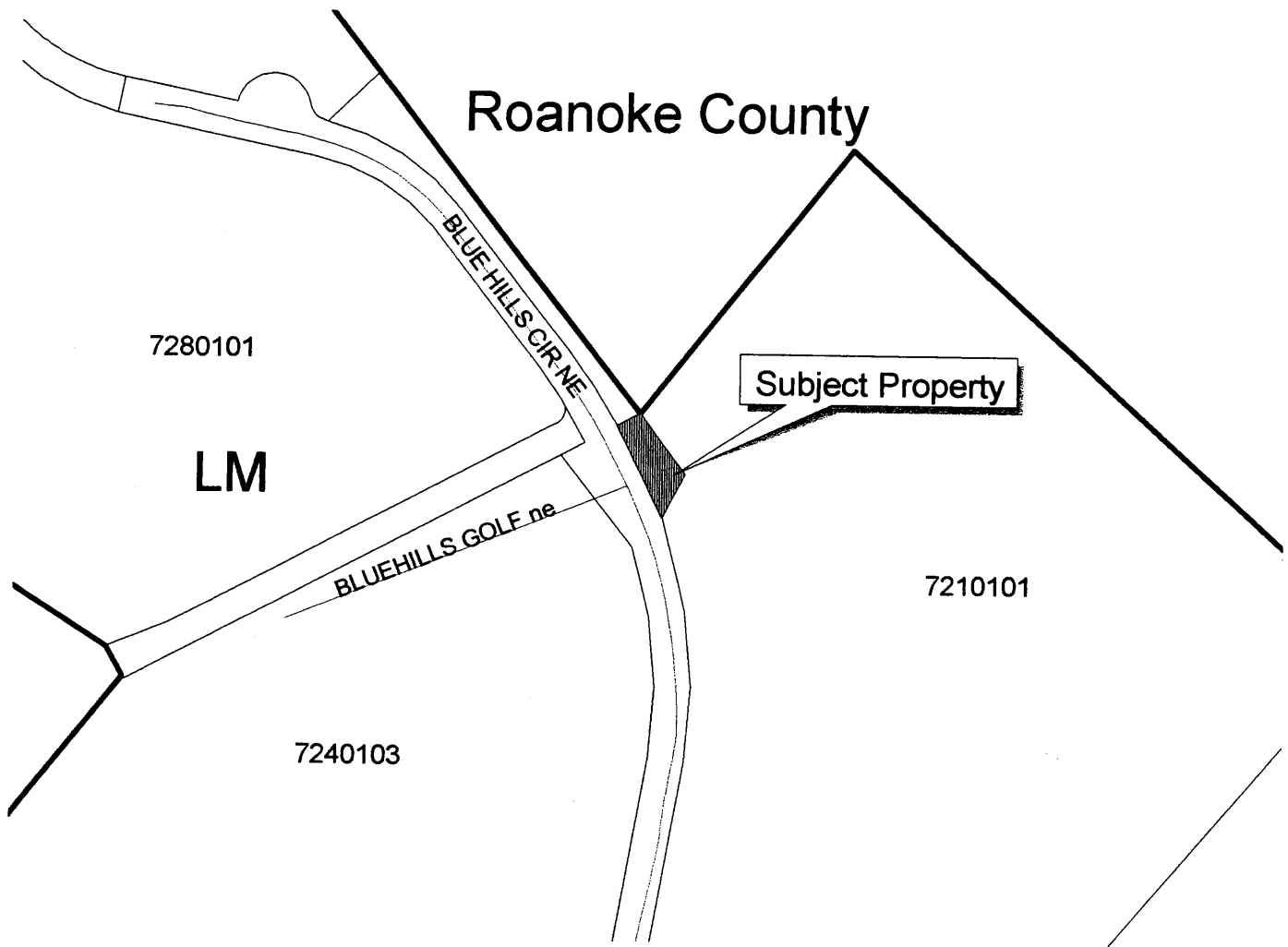
RESUBDIVISION PLAT
FOR
LIBERTY PROPERTY L.P.
SITING 0.18 AC. OF RIGHT OF WAY OF BLUE HILLS DRIVE, N.E.
ACROSS VACATED BY THE CITY OF ROANOKE AND ADJACENT WITH
PARCEL 4, ROANOKE CENTRE FOR INDUSTRY AND TECHNOLOGY
(BLK. 1, PG. 628) CREATING NEW PARCEL 4A CONTAINING 27.443 ACRES.
ESTATE BLUE HILLS DRIVE, N.E.
CITY OF ROANOKE, VIRGINIA

CWA
CARDWELL WHITE ASSOCIATES
REGISTERED PROFESSIONAL ENGINEERS
1000 N. 10TH STREET, SUITE 100
ROANOKE, VA 24011
(804) 999-4444 FAX: (804) 999-8778

DATE: 11/11/2011
DRAWN BY: J. WHITE
CHECKED BY: J. WHITE
DATE: 11/11/2011
SCALE: 1" = 100'

[illegible]

Blue Hills Dr, NE



551
5/13/03
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

WHEREAS, Liberty Property Limited Partnership, filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on said application by the City Council on May 19, 2003, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing said public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That 0.186 acre portion of the right-of-way in the shoulder of Blue Hills Circle, N.E.

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent

removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with said plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in said Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in said Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of six (6) months from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



**CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT**

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

May 19, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from the Roanoke City Planning Commission that property identified as Official Tax Nos. 1330117, 1330118, 1330134, 1330401, 1330402 and 1330403, located on Memorial and Denniston Avenue, S.W., and Our Street, S.W., be rezoned from C-1, Office District, to CN, Neighborhood Commercial District.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, April 17, 2003. By a vote of 6-0 (Mr. Manetta absent), the Commission recommended approval of the rezoning request.

Background:

The owner of two properties that front on Memorial Avenue, SW (Official Tax Nos. 1330117 & 1330118) approached Planning staff about rezoning the properties from C-1, Office District, to CN, Neighborhood Commercial. This area represents the eastern edge of the Grandin Village business area. Staff identified several adjacent C-1 properties (Official Tax Nos. 1330134, 1330401, 1330402, and 130403) that are similarly situated and recommended that all the parcels be included in a rezoning initiated by the Planning Commission.

Mr. Chris Chittum, Senior City Planner, presented the staff report to the Planning Commission and recommended approval. Several of the affected property owners wrote letters supporting the rezoning. Mr. Chittum indicated that two adjoining property

owners had contacted him by phone and indicated that they did not object to the zoning change. Mr. Frank Eastburn (1810 Denniston Avenue, S.W.), a nearby resident, addressed the Commission and indicated his support for the rezoning.

Considerations:

Staff believes that CN is a more appropriate zoning for the properties as it will permit uses and buildings that are more appropriate for the Grandin Village area. Rather than addressing the zoning on a property-by-property basis, staff recommended that the Planning Commission initiate a rezoning of all the properties at once.

The two properties owned by Mr. Edward Walker are currently vacant. No specific use is proposed. One property on the north side of Memorial Avenue is occupied by a house that has been converted into an office (Access). Properties on the south side of Memorial include the fire station, a general contracting office, and a two-family residential use.

All of the affected property owners have indicated their support for the proposed rezoning. Staff received only one comment from an adjoining property owner, Richard Winstead, who wished to have a portion of his property rezoned to CN. Since this change would be from a residential district to a commercial district, staff believes it would be more appropriate to deal with this request when the new zoning is drafted as part of the zoning ordinance update.

The following *Vision 2001-2020* recommendations support the rezoning:

- NH P2. Neighborhoods will function as villages, offering opportunities to live, work, shop, play, and interact in a neighborhood setting. Neighborhood-oriented commercial activity will be encouraged in well-defined village centers.
- NH A3. Rezone existing and potential village center locations to encourage and accommodate higher-density development and a mixture of uses.

In addition, *Vision 2001-2020* design principles for village centers recommend the following:

- Buildings should be set close to the street with ground-floor facades that emphasize pedestrian activity.
- Parking should be located on the street or to the rear or side of principal buildings, and on-street parking should be encouraged.

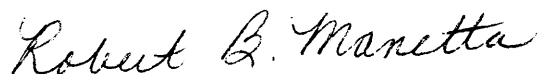
The *Greater Raleigh Court Neighborhood Plan* recommends enhancement of the pedestrian and bike friendliness of the village center. The plan also recommends that commercial uses be carefully designed to relate well to adjoining residential uses.

CN is the appropriate zoning needed to permit future development in accordance with the recommendations of *Vision 2001-2020* and the *Greater Raleigh Court Neighborhood Plan*.

Recommendation:

By a vote of 6-0 (Mr. Manetta absent), the Commission recommended that City Council approve the rezoning. The rezoning is supported by, and consistent with, the comprehensive plan in that it will encourage development that is appropriate for the village center.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert B. Manetta". The script is cursive and fluid.

Robert B. Manetta, Chairman
City of Roanoke Planning Commission

CC:mpf
attachment

cc: Darlene Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

In Re: Rezoning of property in the southwest quadrant of the City, identified as)
Official Tax Nos. 1330401, 1330402, 1330403, 1330117, 1330118, and)PETITION
1330134, located on Denniston Avenue, Memorial Avenue, and)TO REZONE
Our Street, S.W., from C-1, Office District, to CN, Neighborhood)
Commercial District.)

To: The Honorable Mayor and Members of Council of the City of Roanoke

The petitioner, the Roanoke City Planning Commission, pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, requests that the properties set out below be rezoned from C-1, Office District, to CN, Neighborhood Commercial District. The purpose of this rezoning is to make the zoning more consistent with the adjacent Grandin Village business area and to encourage uses and development patterns that are appropriate for a village center. A map outlining the area proposed to be rezoned is attached to this petition as Exhibit A.

The property to be rezoned is more specifically identified as follows:

Official Tax No. 1330117, Memorial Avenue, S.W.
Official Tax No. 1330118, Memorial Avenue, S.W.
Official Tax No. 1330134, 1901 Denniston Avenue, S.W.
Official Tax No. 1330401, 1742 Memorial Avenue, S.W.
Official Tax No. 1330402, 1734 Memorial Avenue, S.W.
Official Tax No. 1330403, 1306 Our Street, S.W.

The Petitioner believes that the CN, Neighborhood Commercial District, will promote the character of development desired in the area and will implement the policies and actions of

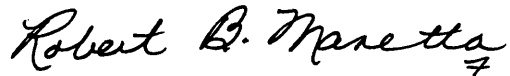
Vision 2001-2020.

Wherefore, the Petitioner requests that the above-described property be rezoned from C-1, Office District, to CN, Neighborhood Commercial District.

Attached as Exhibit B is a list of current property owners of the above-mentioned properties, with support letters. Attached as Exhibit C is a list of current adjacent property owners of the above-mentioned properties.

Respectfully submitted this 20th day of March, 2003.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert B. Manetta". The signature is written in a cursive style with a small flourish at the end.

Robert B. Manetta, Chairman
Roanoke City Planning Commission

EXHIBIT B

Property Owner Listing

Tax No.	Property Address	Owner's Name and Mailing Address
1330117 1330118	Memorial Avenue, S.W.	Memorial Avenue Partnership, LLC P O Box 8494 Roanoke, VA 24014
1330134	1901 Denniston Avenue, S.W.	Todd Russell Marcum Anthony Pearlman 1901 Denniston Avenue, S.W. Roanoke, VA 24015
1330401	1742 Memorial Avenue, S.W.	City of Roanoke
1330402	1734 Memorial Avenue, S.W.	David S. Moeller 2115 Berkley Avenue, S.W. Roanoke, VA 24015
1330403	1306 Our Street, S.W.	Ronald F. Renick 227 Crestview Avenue Vinton, VA 24179

Ronald F. Renick
227 Crestview Ave.
Vinton, VA 24179

February 21, 2003

Mr. Chris Chittum
Senior Planner
Room 166, Municipal Building
215 Church Ave., SW
Roanoke, VA 24011

Dear Mr. Chittum

I am responding in regards to your recent letter concerning the rezoning of the property in the Grandin Village area. I am in full support of the area changing from C-1, Office District to CN Neighborhood Commercial District. With this support I hope that you will include my own property at 1306 – 1308 Our Street in the current project.

Thank you for making me aware of this issue and the opportunity to respond.

If you have any more information for me in the future please mail it to the above address or contact me by phone, at 540-982-0757.

Sincerely,



Ronald F. Renick

RECEIVED

ON FRONTS
TOWN PLANNING DEPARTMENT

RECEIVED

ON FRONTS
TOWN PLANNING DEPARTMENT



Chris Chittum
City Planning Office
215 Church Avenue, S.W.
Noel C. Taylor Municipal Building - Room 166
Roanoke, VA 24011

Dear Chris:

This is a note to follow up your meeting with Tony, Ed Walker and others concerning the rezoning of the parcel adjacent to our property at 1901 Denniston Ave. to CN. We have read over the proposal and have no objection to the rezoning. We trust your wisdom in the matter.

Sincerely,

Todd Marcum
Tony Pearman
Owners
1901 Denniston Ave. SW
Roanoke, Va. 24018

RECEIVED
NOV 20 2002
CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

David Moeller

DS. Moeller Construction Co., P.O. Box 4542, Roanoke, VA 24014

November 20, 2002

Chris Chittum
215 Church Ave SW
Room 166
Roanoke, Va. 24011

Dear Mr. Chittum,

I appreciate the invitation to participate in the discussion regarding Rezoning in the Grandin Road area. As a property owner in the area, I feel it is in my best interest to offer my support in rezoning from the current C-1 designation to CN zoning.

I can be reached at 342-7282 if you have any questions regarding my decision.

Respectfully,



David S. Moeller
DS MOELLER CONSTRUCTION

RECEIVED

NOV 21 2002

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

Phone/Fax (540) 342-7282

RECEIVED

NOV 20 2002

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT



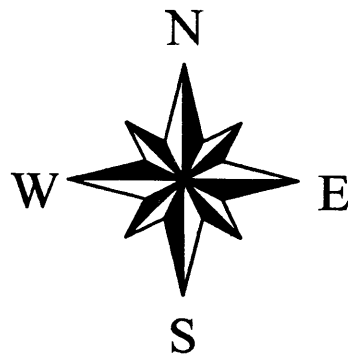
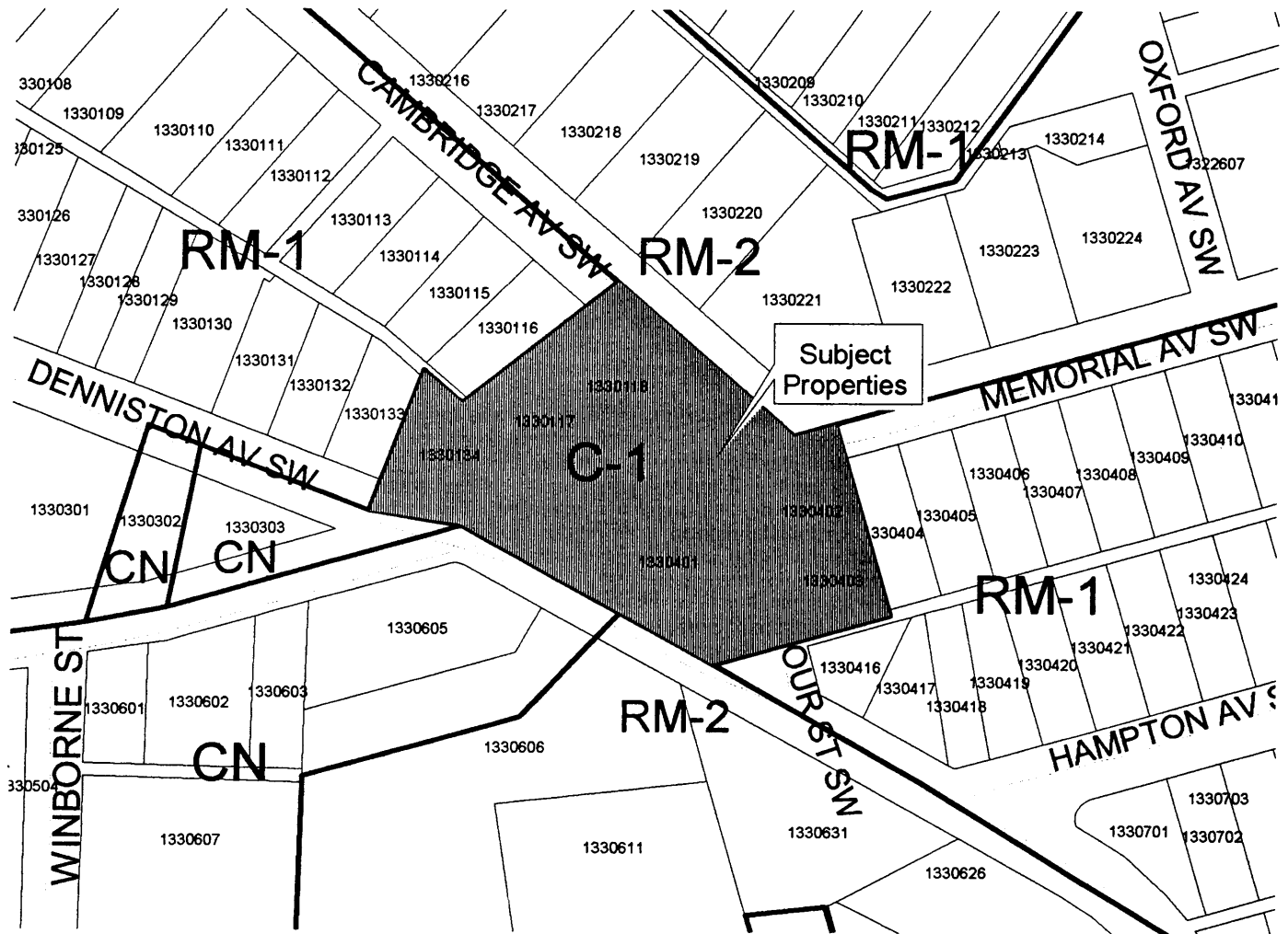
A Restoration & Remodeling Company

EXHIBIT C

Adjoining Property Owners Listing

Tax No.	Property Address	Owner's Name and Mailing Address
1330221	1727 Memorial Avenue, S.W.	Cambridge Partnership 1525 Ashley Drive Salem, VA 24153
1330605	1802 Memorial Avenue, S.W.	Edward B. Walker 915 Welton Avenue, S.W. Roanoke, VA 24015
1330116	1816 Cambridge Avenue, S.W.	Charles P. Cressman 1816 Cambridge Avenue, S.W. Roanoke, VA 24015
1330404	1726 Memorial Avenue, S.W.	Paul and Mark Fariss 3242 Hastings Road, S.W. Roanoke, VA 24018
1330416	1809 Denniston Avenue, S.W.	Carroll F. Toler, Jr. 1809 Denniston Avenue, S.W. Roanoke, VA 24015
1330606	Denniston Avenue, S.W.	Richard S. Winstead 1322 Watauga Street, S.W. Roanoke, VA 24015
1330631	1810 Denniston Avenue, S.W.	Francis J. Eastburn 1810 Denniston Avenue, S.W. Roanoke, VA 24015
1330219	1819 Cambridge Avenue, S.W.	Bruce H. Cunningham 1819 Cambridge Avenue, S.W. Roanoke, VA 24015
1330220	1813 Cambridge Avenue, S.W.	Ronald E. Webb 4110 Alleghany Drive Salem, VA 24153

Memorial Ave, SW



SST
5/14/03

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 133, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance.

WHEREAS, the Roanoke City Planning Commission made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from C-1, Office District, to CN, Neighborhood District; and

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on May 19, 2003, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

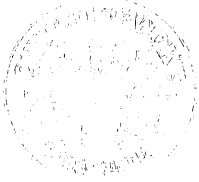
1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No.133 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

Certain property located in the southwest quadrant of the City, and designated on Sheet No. 133 of the Sectional 1976 Zone Map, City of Roanoke, as Official Tax Nos.1330401, 1330402, 1330403, 1330117, 1330118, and 1330134, be, and are hereby rezoned from C-1, Office District, to CN, Neighborhood Commercial District, as set forth in the Petition filed in the Office of the City Clerk on March 21, 2003, and that Sheet No. 133 of the Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 19, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Sale or Option of City Owned
Property at RCIT CM03-0098

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
City Clerk
Director of Finance

72.11

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the execution of an Option Agreement with Roanoke Development, LLC, for the option to purchase a parcel of land known as New Tract F and consisting of approximately 18.437 acres in the Roanoke Centre for Industry and Technology ("RCIT"), upon certain terms and conditions; authorizing the City Manager to take such further action and execute such other documents as may be required in connection with such Option Agreement; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke, Virginia that:

1. The City Manager and City Clerk are authorized to execute and attest, respectively, upon form approved by the City Attorney, an Option Agreement with Roanoke Development, LLC, for the option to purchase an approximate 18.437 acre parcel of land known as New Tract F and located in the Roanoke Centre for Industry and Technology, and as more particularly stated in the City Manager's letter to City Council dated May 19, 2003, with such Option Agreement being substantially similar to the one attached to such letter.

2. The City Manager is also authorized to take such further action and execute such other documents as may be required to implement such Option Agreement and, if

exercised, the subsequent sale of such Property, and for related matters, as referred to in the above-mentioned letter.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 19, 2003

The Honorable Ralph K. Smith, Mayor
The Honorable Nelson Harris, Vice-Mayor
The Honorable William Bestpitch, Council Member
The Honorable Rupert Cutler, Council Member
The Honorable Alfred Dowe, Council Member
The Honorable Beverly Fitzpatrick, Jr., Council Member
The Honorable Linda Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Resolution Approving IDA
Bond Financing for WELBA I, LLC

The Industrial Development Authority of the City of Roanoke, Virginia, approved a resolution for IDA bond financing on April 9, 2003 in an amount not to exceed \$6,000,000 for WELBA I, LLC, or another limited liability company to be formed by the principals thereof.

Furthermore, the City of Roanoke's Department of Economic Development staff has been negotiating with Roanoke Development, LLC, the other company referred to above, for an Option Agreement for the purchase of New Tract F in the Roanoke Centre for Industry and Technology. They would build a new facility at RCIT and lease it to SEMCO Incorporated of Virginia for manufacturing purposes. The option agreement matter is set for a public hearing on May 19, 2003, prior to Council's consideration of this matter.

Recommendation:

Approve the issuance of Industrial Development Bonds by the IDA not to exceed \$6,000,000 as set forth in the attached Resolution and authorize the City Manager to take the action requested in the Resolution.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Bureham".

Darlene L. Bureham
City Manager

DLB:ean

Honorable Mayor and Members of Council
May 19, 2003
Page 2

Attachment

c: Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Beth Neu, Director of Economic Development

CM-03-00102

**NOTICE OF PUBLIC HEARING ON PROPOSED
REVENUE BOND FINANCING BY
INDUSTRIAL DEVELOPMENT AUTHORITY OF
THE CITY OF ROANOKE, VIRGINIA**

Comment: ATTENTION: Please note that this document was reconstructed to correct inherent conversion issues. While care has been taken to ensure that all formatting unique to this document was preserved, you should, nonetheless, review all document formats -- particularly those for numbered paragraphs, Tables of Contents, and any user-defined styles you may have created in this document. Additionally, all automatic numbering has been turned to accurate textual numbers. Contact the Help Desk at Extension 1234 should you have any further questions. *Upon completion of your review, please delete this comment. Thank you.*

Notice is hereby given that the Industrial Development Authority of the City of Roanoke, Virginia ("Authority") whose address is 111 Franklin Plaza, Suite 200, Roanoke, Virginia 24011 will hold a public hearing on the application of WELBA I, LLC, or another limited liability company to be formed by the principals thereof ("Borrower"), whose address is 9812 Ridge Meadow Place, Richmond, Virginia 23233, requesting the Authority to issue up to \$6,000,000 of its revenue bonds to assist the Borrower in acquiring, constructing and equipping a facility to be leased to Semco Incorporated whose address is 1800 East Pointe Drive, Columbia, Missouri 65201 and to be used for the manufacture of ductwork for commercial and other buildings consisting of approximately 104,400 square feet to be located on New Tract F in the Roanoke Centre for Industry & Technology (the "Centre") The Centre is located adjacent to U.S. Route 460, three miles east of I-581, in the City of Roanoke, Virginia.

The issuance of revenue bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the City of Roanoke, Virginia, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such bonds.

The public hearing, which may be continued or adjourned, will be held at 8:00 o'clock a.m. on April 9, 2003, before the Authority, in Board Room of the Office of Economic Development of the City of Roanoke, Virginia, at 111 Franklin Plaza, Suite 200, in Roanoke, Virginia 24011. Any person interested in the issuance of the bonds or the location or nature of the proposed project may appear at the hearing and present his or her views. Information regarding the Borrower's application is on file and is open for inspection at the Authority's office at 111 Franklin Plaza, Suite 200, Roanoke, Virginia 24011 during business hours.

Industrial Development Authority
of the City of Roanoke, Virginia

CERTIFICATE

The undersigned Secretary of the Industrial Development Authority of the City of Roanoke, Virginia ("Authority") certifies as follows:

1. A meeting of the Authority was duly called and held on April 9, 2003, at [8:00] o'clock a.m. in the Board Room of the Office of Economic Development of the City of Roanoke, Virginia at 111 Franklin Plaza, Suite 200, in Roanoke, Virginia, pursuant to proper notice given to each Director of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.
2. The Chairman announced the commencement of a public hearing on the application of WELBA I, LLC and that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in the City of Roanoke, Virginia ("Notice"), with the second publication appearing not less than seven days nor more than twenty-one days prior to the hearing date. A copy of the Notice has been filed with the minutes of the Authority and is attached as Exhibit A.
3. A summary of the statements made at the public hearing is attached as Exhibit B.
4. Attached as Exhibit C is a true, correct and complete copy of a resolution ("Resolution") adopted at such meeting of the Authority by a majority of the Directors present at such meeting. The Resolution constitutes all formal action taken by the Authority at such meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on this date.

WITNESS my hand and the seal of the Authority, this 9th day of April, 2003.

Secretary, Industrial Development Authority
of the City of Roanoke, Virginia

[SEAL]

Exhibits:

- A - Copy of Certified Notice
- B - Summary of Statements
- C - Inducement Resolution

EXHIBIT B TO CERTIFICATE

Summary of Statements

J. Ryan Lingerfelt, as managing member of WELBA I, LLC or another limited liability company to be formed by the principals thereof, and representatives of McGuireWoods LLP, bond counsel appeared before the Authority to explain the proposed project. No one appeared in opposition to the proposed bond issue.

April 9, 2003

City Council
City of Roanoke, Virginia
215 Church Avenue
Roanoke, Virginia 24011

**Industrial Development Authority
of the City of Roanoke, Virginia
Proposed Financing for WELBA I, LLC or another
Limited Liability Company to be formed
By the Principals Thereof**

WELBA I, LLC, or another limited liability company to be formed by the principals thereof ("Borrower"), has requested that the Industrial Development Authority of the City of Roanoke, Virginia ("Authority"), assist the Borrower in financing the acquisition, construction and equipping of a 104,400 square foot facility to be leased to Semco Incorporated, whose address is 1800 East Pointe Drive, Columbia, Missouri 65201, and to be used for the manufacture of ductwork for commercial and other buildings ("Project") to be located in the Roanoke Centre for Industry & Technology in the City of Roanoke, Virginia, by the issuance of its revenue bonds in an amount not to exceed \$6,000,000 ("Bonds").

As set forth in the resolution of the Authority attached hereto ("Resolution"), the Authority has agreed to issue its Bonds as requested. The Authority has conducted a public hearing on the proposed financing of the Project and has recommended that you approve the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Code of Virginia of 1950, as amended.

Attached hereto is (1) a certificate evidencing the conduct of the public hearing and the action taken by the Authority, (2) the Fiscal Impact Statement required pursuant to Virginia Code Section 15.2-4907, and (3) the form of resolution suggested by counsel to evidence your approval.

Secretary, Industrial Development Authority
of the City of Roanoke, Virginia

**FISCAL IMPACT STATEMENT
FOR PROPOSED BOND FINANCING**

Date: April 9, 2003

To the City Council
of the City of Roanoke, Virginia

Applicant: WELBA I, LLC, or another LLC to be formed by the principals thereof
Facility: Manufacturing

1.	Maximum amount of financing sought.	<u>\$6,000,000</u>
2.	Estimated taxable value of the facility's real property to be constructed in the locality.	<u>\$6,000,000</u>
3.	Estimated real property tax per year using present tax rates.	<u>\$ 72,000</u>
4.	Estimated personal property tax per year using present tax rates.	<u>\$ 20,000</u>
5.	Estimated merchants' capital tax per year using present tax rates.	<u>\$ -0-</u>
6.	(a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality.	<u>\$ 300,000</u>
	(b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality.	<u>\$3,200,000</u>
	(c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality.	<u>\$ 50,000</u>
	(d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality.	<u>\$ 10,000</u>
7.	Estimated number of regular employees on year round basis.	<u>81</u>
8.	Average annual salary per employee.	<u>\$ 33,440</u>

Chairman, Industrial Development Authority
of the City of Roanoke, Virginia

At a regular meeting of the City Council of the City of Roanoke, Virginia, held on the [21st] day of April, 2003, the following members of the City Council were recorded as present:

PRESENT:

On motion by _____, seconded by _____, the attached Resolution was adopted by a majority of the members of the City Council by a roll call vote, the votes being recorded as follows:

MEMBER

VOTE

**RESOLUTION
OF THE CITY COUNCIL OF THE
CITY OF ROANOKE, VIRGINIA**

WHEREAS, the Industrial Development Authority of the City of Roanoke, Virginia ("Authority"), has considered the application of WELBA I, LLC, or another limited liability company to be formed by the principals thereof ("Borrower"), requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$6,000,000 ("Bonds") to assist in the financing of the Borrower's acquisition, construction and equipping of a facility consisting of approximately 104,400 square feet to be leased to Semco Incorporated, whose address is 1800 East Pointe Drive, Columbia, Missouri 65201, and to be used for the manufacture of ductwork for use in commercial in other buildings ("Project") to be located on New Tract F in the Roanoke Centre for Industry & Technology (the "Centre"), and has held a public hearing on April 9, 2003;

WHEREAS, the Centre is located adjacent to U.S. Route 460, three miles east of I-581, in the City of Roanoke, Virginia;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of the City of Roanoke, Virginia ("City"); the Project is to be located in the City and the City Council of the City of Roanoke, Virginia ("Council") constitutes the highest elected governmental unit of the City;

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, VIRGINIA:

1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower.
3. The Council directs the City Manager to request an allocation of the State Ceiling (as defined in Section 15.2-5000 of the Code of Virginia of 1950, as amended) in accordance

with the applicable provisions of the Code of Virginia of 1950, as amended, and any regulations or executive orders issued thereunder.

4. This resolution shall take effect immediately upon its adoption.

Adopted by the City Council of the City of Roanoke, Virginia this [21st] day of April, 2003.

Clerk, City Council of the City of Roanoke,
Virginia

[SEAL]

**RESOLUTION OF THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE CITY OF ROANOKE, VIRGINIA
AUTHORIZING THE ISSUANCE OF UP TO \$6,000,000
REVENUE BONDS FOR THE PURPOSE OF
FINANCING A FACILITY FOR THE MANUFACTURE OF DUCTWORK
TO BE LOCATED IN THE CITY OF ROANOKE, VIRGINIA**

WHEREAS, the Industrial Development Authority of the City of Roanoke, Virginia, a political subdivision of the Commonwealth of Virginia ("Authority"), is empowered by the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended ("Act"), to issue its revenue bonds for the purpose of inducing the location of industrial and commercial facilities in Virginia and to promote the commerce, safety, health, welfare, convenience or prosperity of citizens of Virginia;

WHEREAS, the Authority has received a request from WELBA I, LLC, or another limited liability company to be formed by the principals thereof ("Borrower"), requesting that the Authority issue its revenue bonds to assist in financing the acquisition, construction and equipping of a 104,400 square foot facility to be used for the manufacture of ductwork for use in commercial and other buildings and to be leased to Semco Incorporated, whose address is 1800 East Pointe Drive, Columbia, Missouri 65201 ("Project") to be located on New Tract F in the Roanoke Centre for Industry & Technology (the "Centre");

WHEREAS, the Centre is located adjacent to U.S. Route 460, three miles east of I-581, in the City of Roanoke, Virginia;

WHEREAS, such assistance will induce the Borrower to locate the Project in Virginia and benefit the inhabitants of the City of Roanoke, Virginia and the Commonwealth of Virginia, either through the increase of their commerce or through the promotion of their safety, health, welfare, convenience or prosperity;

WHEREAS, preliminary plans for the Project have been described to the Authority and a public hearing has been held as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, ("Code") and Section 15.2-4906 of the Act;

WHEREAS, the Borrower has represented that the estimated cost of the acquisition, construction and equipping of the Project and all expenses of issue will require an issue of revenue bonds in the aggregate principal amount not to exceed \$6,000,000;

WHEREAS, (a) no member of the Board of Directors of the Authority is an officer or employee of the City of Roanoke, Virginia, (b) each member has, before entering upon his duties during his or her present term of office, taken and subscribed to the oath prescribed by Section 49-1 of the Code of Virginia of 1950, as amended and (c) at the time of their appointments and at all times thereafter, including the date hereof, all of the members of the Board of Directors of the Authority have satisfied the residency requirements of the Act; and

WHEREAS, no member of the Board of Directors of the Authority has any personal interest or business interest in the Borrower, the bonds, or any of the transactions contemplated

therein or has otherwise engaged in conduct prohibited under the Conflict of Interests Act, Chapter 31, Title 2.2 of the Code of Virginia of 1950, as amended (the "Conflict of Interests Act") in connection with this resolution or any other official action of the Authority in connection therewith.

NOW, THEREFORE, BE IT RESOLVED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF ROANOKE, VIRGINIA:

1. It is hereby found and determined that the acquisition, construction and equipping of the Project will be in the public interest and will promote the commerce, safety, health, welfare, convenience or prosperity of the Commonwealth of Virginia, the City of Roanoke, Virginia and their citizens.

2. To induce the Borrower to locate the Project in the Commonwealth of Virginia, and particularly in the City of Roanoke, Virginia, the Authority hereby agrees to assist the Borrower in financing the acquisition, construction and equipping of the Project by undertaking the issuance of its revenue bonds in an amount not to exceed \$6,000,000 upon terms and conditions mutually agreeable to the Authority and the Borrower. The bonds will be issued pursuant to documents satisfactory to the Authority. The bonds may be issued in one or more series at one time or from time to time.

3. It having been represented to the Authority that it is necessary to proceed immediately with the acquisition, construction and equipping of the Project, and the planning therefor, the Authority agrees that the Borrower may proceed with plans for the Project, enter into contracts for land, construction, materials and equipment for the Project, and take such other steps as it may deem appropriate in connection with the Project, provided, however, that nothing in this resolution shall be deemed to authorize the Borrower to obligate the Authority without its consent in each instance to the payment of any moneys or the performance of any acts in connection with the Project. The Authority agrees that the Borrower may be reimbursed from the proceeds of the bonds for all expenditures and costs so incurred by it, provided such expenditures and costs are properly reimbursable under the Act and applicable federal laws.

4. At the request of the Borrower, the Authority approves McGuireWoods LLP, Richmond, Virginia, as Bond Counsel in connection with the issuance of the bonds.

5. All costs and expenses in connection with the financing and the acquisition, construction and equipping of the Project, including the fees and expenses of Bond Counsel and Authority Counsel, shall be paid by the Borrower or, to the extent permitted by applicable law, from the proceeds of the bonds. If for any reason such bonds are not issued, it is understood that all such expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor.

6. In adopting this resolution the Authority intends to take "official action" toward the issuance of the bonds and to evidence its "official intent" to reimburse from the proceeds of the bonds any expenditures paid by the Borrower to finance the acquisition, construction and equipping of the Project and the planning therefor before the issuance of the bonds, all within the

meaning of regulations issued by the Internal Revenue Service pursuant to Sections 103 and 141 through 150 and related sections of the Code.

7. The Authority recommends that the City Council of the City of Roanoke, Virginia, approve the issuance of the bonds.

8. No bonds may be issued pursuant to this resolution until such time as the issuance of the bonds has been approved by the City Council of the City of Roanoke, Virginia and the bonds have received an allocation of the State Ceiling (as defined in Section 15.2-5000 of the Code of Virginia of 1950, as amended) in accordance with the applicable provisions of the Code of Virginia of 1950, as amended, and any regulations or executive orders issued thereunder.

9. This resolution shall take effect immediately upon its adoption.

CERTIFICATE

The undersigned Secretary of the Industrial Development Authority of the City of Roanoke, Virginia ("Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on April 9, 2003, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on this date.

WITNESS the following signature and seal of the Authority, this 9th day of April, 2003.

Secretary of the Industrial Development Authority
of the City of Roanoke, Virginia

[SEAL]

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION approving the issuance of up to \$6,000,000 in Revenue Bonds of the Industrial Development Authority of the City of Roanoke, Virginia (the "Authority") at the request of WELBA I, LLC, or another limited liability company to be formed by the principals thereof ("Borrower"), to assist in the financing of the acquisition, construction and equipping of a facility consisting of approximately 104,400 square feet to be leased to Semco Incorporated, and to be used for the manufacture of ductwork ("Project") which will be located on New Tract F in the Roanoke Centre for Industry and Technology (the "Centre"), which approval is required by §147(f) of the Internal Revenue Code of 1986, as amended, and §15.2-4906 of the Code of Virginia (1950), as amended.

WHEREAS, the Industrial Development Authority of the City of Roanoke, Virginia ("Authority"), has considered the application of WELBA I, LLC, or another limited liability company to be formed by the principals thereof ("Borrower"), requesting the issuance of the Authority's revenue bonds in an amount not to exceed \$6,000,000 ("Bonds") to assist in the financing of the Borrower's acquisition, construction and equipping of a facility consisting of approximately 104,400 square feet to be leased to Semco Incorporated, whose address is 1800 East Pointe Drive, Columbia, Missouri 65201, and to be used for the manufacture of ductwork for use in commercial and other buildings ("Project") to be located on New Tract F in the Roanoke Centre for Industry & Technology (the "Centre"), and has held a public hearing on April 9, 2003;

WHEREAS, the Centre is located adjacent to U.S. Route 460, three miles east of I-581, in the City of Roanoke, Virginia;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of the City of Roanoke, Virginia ("City"); the Project is to be located in the City and the City Council of the City of Roanoke, Virginia ("Council") constitutes the highest elected governmental unit of the City;

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Council.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROANOKE, VIRGINIA:

1. The Council approves the issuance of \$6,000,000 in Revenue Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrower.

3. The Council directs the City Manager to request an allocation of the State Ceiling (as defined in §15.2-5000 of the Code of Virginia of 1950, as amended) in accordance with the applicable provisions of the Code of Virginia of 1950, as amended, and any regulations or executive orders issued thereunder.

4. This resolution shall take effect immediately upon its adoption.

ATTEST:

City Clerk.



CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

May 19, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amending and reordaining Section 36.1-228, Special exception uses, Article III, District Regulations, Division 3, Commercial District Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by adding subsection (6) to provide for the establishment of veterinary clinics with no outside pens or corrals as a special exception use in the C-3, Central Business District.

Planning Commission Action:

Planning Commission public hearing was held on April 17, 2003. There was no one present at the public hearing to speak for or against the proposed amendment. By a vote of 6-0 (Mr. Manetta absent), the Commission recommended approval of the proposed amendment.

Background:

This petition was initiated by Resolution No. 36259-030303, adopted by City Council on March 3, 2003, authorizing the City Manager to initiate an amendment of the zoning ordinance to provide for the establishment of veterinary clinics as a special exception use in the C-3, Central Business District.

Considerations:

The proposed amendment provides for the establishment of veterinary clinics with no outside pens or corrals, by special exception, in the C-3, Central

Business District. Each request would be subject to public hearing, review, and approval by the Board of Zoning Appeals. It would be the role of the Board to scrutinize proposed veterinary clinics in the C-3, Central Business District, to determine on a case-by-case basis the appropriateness of the proposed location and its functional operation within the context of surrounding properties. As with the granting of any special exception use, the Board would have the discretion of applying certain operational conditions.

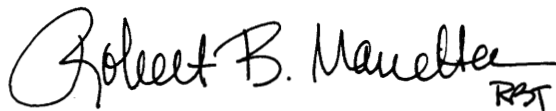
Vision 2001-2020 places an emphasis on mixed uses and the revitalization of underutilized sites, and includes the following statements, policies, and actions:

1. "Downtown will be developed as Roanoke's premier urban village with a mix of high-density residential, commercial, retail uses and live-work space." (p. 40, NH P4)
2. "Underutilized...commercial sites can be converted to more appropriate uses that are assets to the neighborhood." (p. 58, Economic Development, Policy Approach)
3. "Identify underutilized commercial sites and promote revitalization." (p. 61, ED A26)

Recommendation:

By a vote of 6-0, the Planning Commission recommended approval of the proposed text amendment to City Council.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert B. Manetta". To the right of the signature, the initials "RBT" are written.

Robert B. Manetta, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §36.1-228, Special exception uses, Article III, District Regulations, Division 3, Commercial District Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by adding subsection (6) to provide for the establishment of veterinary clinics with no outside pens or corrals as a special exception use in the C-3, Central Business District; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 36.1-228, Special exception uses, Article III, District Regulations, Division 3, Commercial District Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained, by adding subsection (6) to provide for the establishment of veterinary clinics with no outside pens or corrals as a special exception use in the C-3, Central Business District, and to read and provide as follows:

§36.1-228 Special exception uses.

The following uses may be permitted in the C-3 district by special exception granted by the board of zoning appeals subject to the requirements of this section:

* * *

(6) *Veterinary clinics with no outside pens or corrals.*

* * *

2. Pursuant to the provisions of Section 12 of the Roanoke City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
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Architectural Review Board
Board of Zoning Appeals
Planning Commission

May 19, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment of §36.1-25, Definitions; subsections (26) and (37) of §36.1-206, Permitted uses; subsection (26) of §36.1-227, Permitted uses; subsection (3) of §36.1-228, Special exception uses; subsection (24) of §36.1-249, Permitted uses; subsection (11) of §36.1-270, Permitted uses; subsection (5) of §36.1-271, Special exception uses; §36.1-206, §36.1-207, and §36.1-250, by deleting certain uses as permitted uses or uses by special exception; adding new subsections (50) and (51) of §36.1-206, Permitted uses; subsections (28), (29) and (30) of §36.1-249, Permitted uses; subsections (5) and (9) of §36.1-250, Special exception uses; subsections (12) and (13) of §36.1-270, Permitted uses; §36.1-435, Parking of commercial vehicles, of Chapter 36.1, Zoning, of the Code of the City of Roanoke(1979), as amended.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, April 17, 2003. By a vote of 6-0 (Mr. Manetta absent), the Commission recommended the proposed amendments to City Council.

Background:

These text amendments have been initiated to better define and differentiate between certain interrelated land use activities that involve towing services, wrecker services, new and used motor vehicle sales and service, and new and used commercial motor vehicle sales and service. A 1999 court decision

delineated the ineffectiveness of enforcement of the zoning ordinance with respect to the current definition of a "tow truck operation" in regard to the salvaging and continuous outdoor storage of inoperable motor vehicles.

Various aspects of these text amendments have been the subjects of public discussion since August, 2001. Different versions of such a text amendment have been presented to the Planning Commission on two prior occasions. After the recommendation of approval by the Planning Commission in November, 2001, the opposition of local towing contractors associated with the City's Towing Advisory Board resulted in the Planning Commission requesting that the matter be referred back to the staff and the Towing Advisory Board for further study. The matter was tabled again by the Planning Commission in April, 2002.

Considerations – Towing services and wrecker services:

The proposed amendments more clearly define towing operations by providing two new classifications, namely "towing service" and "wrecker service." These classifications include specific activities permitted with respect to towing and disposition of operable or inoperable motor vehicles. In addition to providing recovery, removal, and storage activities for inoperable or damaged motor vehicles, the proposed definition of a "wrecker service" includes the dismantling, demolition, repair, salvage, or sale of inoperable or damaged motor vehicles or parts; a "towing service" does not include those activities.

The proposed amendments regulate "towing services" and "wrecker services" as follows:

- "Towing services" are permitted by right in the C-2, LM, and HM Districts. *(Note: The current ordinance permits "tow truck operations", as defined by the current ordinance, by special exception in the LM and HM Districts.)*
- "Wrecker services" are permitted by special exception in the LM and HM Districts. *(Note: The current ordinance permits by special exception "tow truck operations" with certain standards and "wrecking, salvage and recycling yards" in the HM District; the proposed text amendment will provide for a combination of "wrecker service" and "wrecking, salvaging and junk yards" under one special exception use provision.)*
 - Any parts removed from a damaged or inoperative motor vehicle as part of the salvage operations of a "wrecker service" are required to be stored within a wholly enclosed building.
- For both "towing services" and "wrecker services":
 - A minimum lot area of 20,000 square feet is required.
 - Storage areas for damaged and inoperable vehicles are required to be screened from view from adjacent properties and public streets;
 - Outdoor storage of damaged and inoperable vehicles is limited to a period not to exceed 120 calendar days, except for certain circumstances set forth in the proposed amendment. *(Note: The current ordinance limits such storage to 45 business days.)*

Considerations – Motor vehicle sales and service:

The proposed amendments provide definitions for “new commercial motor vehicle sales and service establishment,” “used commercial motor vehicle sales and service establishment,” “new motor vehicle sales and service establishment,” and “used motor vehicle sales and service establishment”, and provide for such uses as follows:

- “New commercial motor vehicle sales and service establishments” are permitted by right in the LM District, provided the lot contains a minimum of 20,000 square feet. *(Note: Under the current ordinance, the sale or rental of “automobiles, trucks, and construction equipment” is permitted by right in the C-2 District, with a minimum lot area of 20,000 square feet, while the “sale or rental of trucks and construction equipment” is permitted by special exception in the LM District.)*
- “Used commercial motor vehicle sales and service establishments” are permitted by special exception in the LM District.
- “Commercial motor vehicle repair” is permitted in the LM District, provided that all such repair activities are in a wholly enclosed building.
- “New motor vehicle sales and service establishments” are permitted by right in the C-2 District provided the lot area contains a minimum of 40,000 square feet, and by special exception in the C-3, Central Business District. *(Note: Under the current ordinance, “the sale or rental of automobiles, trucks, and construction equipment” is permitted by right in the C-2 District with a minimum lot area of 20,000 square feet, and by special exception in the C-2 where the lot area is less than 20,000 square feet.)*
- “Used motor vehicle sales and service establishments,” are permitted by right in the C-2 District with a minimum lot area of 10,000 square feet. *(Note: Under the current ordinance, there is no differentiation between a “new” and “used” “motor vehicle establishment and therefore used motor vehicle sales and service is permitted by right in the C-2 with a lot area of at least 20,000 square feet or by special exception with a lot area of less than 20,000 square feet.)*

Considerations – General service establishments:

The proposed text amendments address the permitted locations of “general service establishments.” In this proposal, “general service establishments” would be permitted as follows:

- Permitted by right in C-2, General Commercial District: If primarily engaged in repair or maintenance of automobiles or trailers, must be in a wholly enclosed building and can sell up to five repaired or rebuilt automobiles or trailers within one calendar year.

- Permitted by right in C-3, Central Business District: Cannot repair automobiles or trailers.
- Permitted by right in LM, Light Manufacturing District: If primarily engaged in repair or maintenance of automobiles or trailers, must be in a wholly enclosed building.
- Permitted by right in HM, Heavy Manufacturing District: If primarily engaged in repair or maintenance of automobiles or trailers, must be in a wholly enclosed building.

Considerations – Parking of commercial motor vehicles in residential districts:

By adding the definition of a “commercial motor vehicle,” the proposed amendments revise the impact of the section providing for the regulation of the parking of commercial motor vehicles in a residential district. The change is tied to the proposed definition of a “commercial motor vehicle” and prohibits the parking of such vehicles in residential districts. For consistency, City Council will also be considering an amendment to §20-71 of the City Code regarding the definition of a commercial motor vehicle and the regulation of the parking of such vehicles on public streets in residential districts.

Other Considerations:

Since the initial proposal, the amendments have undergone a series of revisions to address concerns of the Towing Advisory Board and various motor vehicle dealerships, including an appropriate timetable for the storage of inoperable vehicles, flexibility in the permitted locations for general towing operations, and properly addressing the nature of motor vehicle businesses and how they operate. The proposed text amendments provide for:

- The storage of inoperable vehicles up to 120 days (an increase from the 45 days of the current ordinance and the initially proposed 90 day limit);
- “Towing services” permitted by right in the C-2, LM, and HM Districts compared to the current ordinance that permits “tow truck operations” only by special exception in the LM District; and
- Well-defined distinctions between the land use activities of towing services, wrecker services, new motor vehicle sales and service, used motor vehicle sales and service, and new commercial vehicle sales and service, and used commercial vehicle sales and service.

Effect of proposed amendments:

These proposed amendments will more clearly define and distinguish, for regulation and code enforcement purposes, all motor vehicle and commercial motor vehicle related businesses, from the sale of new or used vehicles to the maintenance and repair of such vehicles to the towing and salvaging of such

vehicles, in order to promote the public welfare and safety relative to these interactive and often overlapping land uses.

The proposed ordinance amendments will not have any retroactive application or any impact on existing businesses, which will be “grandfathered” under the provisions of the proposed amendments. The amendments will only impact the development of any new such businesses, the expansion of existing businesses, or the relocation of existing businesses.

Planning Commission Hearing:

Planning Commission held a public hearing on the proposed text amendments on April 17, 2003. Mrs. Nancy Snodgrass, City Planner, presented the staff report, explaining the proposed amendments and recommending their approval.

The Planning Commission opened the meeting for public comment.

- Mr. Bill Tanger, 3530 Franklin Road, S.W., commented on the provision that would prevent the parking in residential districts of certain vehicles with signage on them based on the proposed definition of commercial motor vehicles. He suggested that this provision would have the unintended consequence of parking such vehicles on the street which would be more disruptive to the neighborhoods. He also suggested that the incorporation of a chart would make this ordinance more easily understood.
- Mr. John Porter, Select Auto Sales and a representative of the Virginia Independent Automobile Dealers, supported the changes for the most part but had a concern with the definition of commercial motor vehicles and how it relates to the permitted activities of a used motor vehicle sales and service establishment. He proposed that the ordinance allow used car dealers the same right as the new car dealer to sell commercial motor vehicles not exceeding 26,000 pounds empty gross weight. He was also concerned with whether or not a used motor vehicles establishment could sell trailers.
- Mr. Robert Young, 210 Carver Avenue, N.E., expressed concerns with all aspects of the proposed amendments, specifically stating that he did not think the city should regulate what is sold by these various motor vehicle-oriented businesses.
- Mr. Tommy Wood, Wood’s Towing, 1749 Granby Street, N.E., said the amendments literally took the businessman out of Roanoke by precluding a businessman from driving a work vehicle home. He also expressed concern over the prohibition of parking wreckers in residential districts and its effect on meeting the required response time for emergencies (20 minutes) when called upon by the police department.
- Mr. Richard Winstead, 1322 Watauga Street, S.W., raised a concern about how these amendments might affect the keeping of leased

equipment on private property for a number of days while work is being completed.

Planning Commission discussion centered on the following:

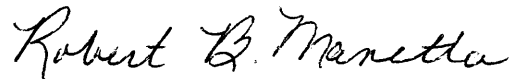
- How the proposed amendments compared to ordinances in other localities:
 - Although some surrounding jurisdictions are looking to revise some of their language in regulating motor vehicle related businesses, Roanoke would be a “trail blazer” and a leader with the passage of these amendments.
 - The legal complications that the City encountered with the court decision in 1999 were due to a lack of clarity in the definition of towing and wrecker services.
 - These proposed amendments would more clearly define motor vehicle related businesses for more effective code enforcement.
- The impact of the new definition of commercial motor vehicles on the prohibition of parking commercial motor vehicles in residential districts:
 - The impact of the proposed amendments is related to the new definition of commercial motor vehicles. The current ordinance prohibits the parking of such vehicles, but by a different definition, in residential districts.
 - A pick-up truck for a construction company, or small vans, with a logo or sign attached, would fall under the definition of a commercial motor vehicle and thus could not park in residential districts.
 - Staff pointed out that the parking of commercial motor vehicles in residential neighborhoods is one of the most frequent complaints received from people in the neighborhoods.
 - Vehicles classified as emergency vehicles by the General Assembly are exempt from this parking regulation; tow trucks are not such emergency vehicles.
- The differentiation between new motor vehicle sales and service establishments and used motor vehicle sales and service establishments:
 - These entities operate differently, including the franchise requirements for new dealers, and therefore it is appropriate to regulate them differently.
 - There is a relationship between the minimum lot size requirements and the permitted activities for used and new motor vehicle sales and service establishments.
- Multiple motor vehicle related businesses could be located on the same lot, provided each such defined use is permitted in the applicable zoning district.
- Existing businesses addressed in these proposed amendments would be “grandfathered” for their current locations.

In response to concerns regarding the definition of commercial motor vehicles as it pertains to the prohibition of parking such vehicles in residential districts, the Planning Commission felt that item number 2 in the definition "cast too big of a net" by including vehicles such as vans and pick-up trucks. The Commission moved, seconded, and approved a motion to include an exclusionary clause for vans, pick-up trucks, and panel trucks in the regulation of the parking of commercial motor vehicles in residential districts.

Recommendation:

By a vote of 6-0, the Planning Commission recommended approval of the proposed amendments to the zoning ordinance as set forth in the attached ordinance.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert B. Manetta". The signature is written in a cursive style with a large, stylized 'R' and 'M'.

Robert B. Manetta, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney

	C-2	C-3	LM	HM
General service establishment	<ul style="list-style-type: none"> if primarily engaged in repair or maintenance of automobiles or trailers, must be in a wholly enclosed building, and can sell up to 5 	<ul style="list-style-type: none"> cannot repair automobiles or trailers 	<ul style="list-style-type: none"> if primarily engaged in repair or maintenance of automobiles or trailers, must be in a wholly enclosed building 	<ul style="list-style-type: none"> if primarily engaged in repair or maintenance of automobiles or trailers, must be in a wholly enclosed building
New commercial motor vehicle			<ul style="list-style-type: none"> must have 20K sq. ft. lot 	
Used commercial motor vehicle			S.E.	
Commercial motor vehicle repair			<ul style="list-style-type: none"> must be in a wholly enclosed building 	
New motor vehicle sales and service establishments	<ul style="list-style-type: none"> must have 40K sq. ft. lot 	S.E.		
Used motor vehicle sales and service establishments	<ul style="list-style-type: none"> must have 10K sq. ft. lot 			
Towing service	<ul style="list-style-type: none"> 		<ul style="list-style-type: none"> 	<ul style="list-style-type: none">
Wrecker service			S.E.	S.E.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §36.1-25, Definitions; subsections (26) and (37) of §36.1-206, Permitted uses; subsection (26) of §36.1-227, Permitted uses; subsection (3) of §36.1-228, Special exception uses; subsection (24) of §36.1-249, Permitted uses; subsection (11) of §36.1-270, Permitted uses; subsection (5) of §36.1-271, Special exception uses; §36.1-206, §36.1-207, and §36.1-250, by deleting certain uses as permitted uses or uses by special exception; and §36.1-435, Parking of commercial vehicles, and adding new subsections (50) and (51) of §36.1-206, Permitted uses; subsections (28) , (29) and (30) of §36.1-249, Permitted uses; subsections (5) and (9) of §36.1-250, Special exception uses; subsections (12) and (13) of §36.1-270, Permitted uses; and subsection (3) of §36.1-435, Parking of commercial vehicles, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 36.1-25, Definitions, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by deleting the definition of “tow truck operation” and by adding the definitions of “buffer,” “commercial motor vehicle,” “new commercial motor vehicle sales and service establishment,” “used commercial motor vehicle sales and service establishment,” “new motor vehicle sales and service establishment,” “used motor vehicle sales and service establishment,” “towing service,” and “wrecker service,” to read and provide as follows:

Sec. 36.1-25. Definitions.

For the purpose of this chapter, certain terms and words used herein shall be defined as follows:

* * *

Buffer: An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building, structure, paving or portion of such land use, for the purposes of screening the effects of the land use, no part of which buffer is used for recreation or parking.

* * *

Commercial motor vehicle: Any motor vehicle or trailer used, designed or maintained for the transportation of persons or property for compensation or profit, and which is one of the following types of vehicles: (1) trucks, tractor cabs, farm tractors, construction equipment, motor passenger buses (excluding school buses currently used by a public or private institution of learning), trailers, semi-trailers, taxis, limousines, tow trucks, dump trucks, roll back tow trucks, flatbed trucks, step vans, or (2) a van, pickup truck or panel truck, with a commercial advertisement pertaining to a commercial use affixed or painted on the side, front or rear of such van, pickup truck or panel truck.

Commercial motor vehicle sales and service establishment, new: An establishment which engages in only the sale or lease of new and used commercial motor vehicles, the performance of any repair or maintenance work of such commercial motor vehicles, and financial services conducted as an accessory use to the establishment.

Commercial motor vehicle sales and service establishment, used: An establishment whose activities include the display of used commercial motor vehicles for sale or lease, or the performance of any repair or maintenance work of used commercial motor vehicles, but whose activities do not include the sale or lease of new commercial motor vehicles.

* * *

Motor vehicle sales and service establishment, new: An establishment whose activities include the sale or lease of new and used motor vehicles or trailers, and new and used commercial motor vehicles not exceeding 26,000 pounds empty gross weight, the performance of any repair or maintenance work of such motor vehicles and commercial motor vehicles, and financial services conducted as an accessory use to the establishment.

Motor vehicle sales and service establishment, used: An establishment which engages in only the display of three or more used motor vehicles or trailers for sale or lease, and may engage in the repair or maintenance of such motor vehicles or

trailers, but does not engage in the sale, lease, repair or maintenance of commercial motor vehicles.

* * *

~~*Tow truck operation: An establishment exclusively engaged in the towing and storage, for no more than forty five (45) business days, of damaged or inoperative vehicles.*~~

* * *

Towing service: An establishment whose activities include the recovery, removal and temporary storage of motor vehicles, but does not include the dismantling, demolition, repair, or salvage of such motor vehicles, or any part of such motor vehicles.

* * *

Wrecker service: An establishment whose activities include the recovery, removal and temporary storage of inoperative or damaged motor vehicles for dismantling, demolition, repair, salvage, or sale of such inoperative or damaged motor vehicles, or part of such motor vehicles, but whose activities do not include the sale of gasoline or the sale of new motor vehicles.

* * *

2. Section 36.1-206, Permitted uses, C-2, General Commercial District, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by repealing subsection (40).

Section 36.1-206, Permitted uses.

The following uses shall be permitted as principal uses in the C-2 district:

* * *

~~(40) — Automobile repair establishments except painting and body shops.~~

* * *

3. Section 36.1-206, Permitted uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by amending subsection

(26) to permit general service establishments to repair and sell motor vehicles or trailers under certain circumstances, by amending subsection (37) by substituting “new motor vehicle sales and service establishments” for establishments primarily engaged in the sale or rental of certain motor vehicles under certain circumstances as a permitted use, and by adding a new subsection (50) “used motor vehicle sales and service establishments” under certain circumstances, and by adding a new subsection (51) “towing services,” as permitted uses in the C-2, General Commercial District, to read and provide as follows:

Section 36.1-206. Permitted uses.

The following uses shall be permitted as principal uses in the C-2 district:

* * *

(26) General service establishments, ~~but not provided that any such establishments which is~~ primarily engaged in the repair or maintenance of automobiles, ~~trucks or construction equipment~~ motorcycles or trailers, shall be limited to the incidental sale of up to five (5) repaired or rebuilt automobiles, motorcycles or trailers, within one calendar year at that location, that all repair or maintenance activities shall occur in a wholly enclosed building, and that no such establishment may engage in automobile, motorcycle or trailer painting or body repair.

* * *

(37) ~~Establishments primarily engaged in the sale or rental of automobiles, trucks, and construction equipment and including the incidental repair and maintenance of vehicles where~~ New motor vehicle sales and service establishments, provided the lot area is greater for this use is no less than twenty thousand (20,000) ~~forty thousand (40,000)~~ square feet.

* * *

(50) Used motor vehicle sales and service establishments, provided the lot area for this use is no less than ten thousand (10,000) square feet.

(51) Towing services, provided that:

(a) The lot area contains a minimum of twenty thousand (20,000) square feet;

- (b) *There shall be no outdoor storage of any damaged or inoperative motor vehicles for a period exceeding one hundred twenty (120) calendar days, unless documentation is provided that is satisfactory to the Zoning Administrator evidencing that such a damaged or inoperative motor vehicle is the subject of an on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the towing service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and*
- (c) *The storage area for any damaged or inoperative motor vehicles shall be screened from view from adjacent properties and public streets by the installation of an eight (8) foot tall, solid fence with a minimum two (2) foot wide buffer to screen the base of the fence along any lot frontage.*

* * *

4. Section 36.1-207, Special exception uses, C-2, General Commercial District, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by repealing subsection (4).

Section 36.1-207. Special exception uses.

The following uses may be permitted in the C-2 district by special exception granted by the board of zoning appeals subject to the requirements of this section:

* * *

~~(4) — Establishments primarily engaged in the sale or rental of automobiles, trucks and construction equipment including the incidental repair and maintenance of vehicles where the lot area is less than twenty thousand (20,000) square feet.~~

* * *

5. Section 36.1-227, Permitted uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by amending subsection (26) to provide for “general service establishments,” in the C-3 District, to read and provide as follows:

Section 36.1-227. Permitted uses.

The following uses shall be permitted as principal uses in the C-3 district:

* * *

(26) General service establishments, ~~but not provided that such an establishments primarily may not engaged in the repair or maintenance of automobiles, trucks or construction equipment motorcycles or trailers.~~

* * *

6. Section 36.1-228, Special exception uses, C-3, Central Business District, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by amending subsection (3) to permit “new motor vehicle sales and service establishments” as a use permitted by special exception in the C-3 District, to read and provide as follows:

36.1-228. Special exception uses.

The following uses may be permitted in the C-3 District by special exception granted by the board of zoning appeals, subject to the requirements of this section:

* * *

(3) *New motor vehicle sales and service* ~~Eestablishments primarily engaged in the sale, rental repair or service of automobiles except automobile painting and body shops.~~

* * *

7. Section 36.1-249, Permitted uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by amending subsection (24) to require that general service establishments which repair automobiles do so only in a wholly enclosed building, and by adding “new commercial motor vehicle sales and service establishments,” “towing services,” and “commercial motor vehicle repair or maintenance establishments” under certain circumstances, as permitted uses in the LM district, to read and provide as follows:

§36.1-249. Permitted uses.

The following uses shall be permitted as principal uses in the LM district:

* * *

(24) General service establishments, *provided that establishments* primarily engaged in the repair or maintenance of ~~goods or items including~~ automobiles, trucks, construction equipment and the provision of business services ~~provided all motorcycles or trailers, engage in such~~ repair or maintenance activities ~~are in a wholly enclosed in a building and provided that the gross floor area of all new buildings for such uses is not less than five thousand (5,000) square feet.~~

* * *

(28) *New commercial motor vehicle sales and service establishments, provided the lot area for the use contains a minimum of twenty thousand (20,000) square feet.*

(29) *Towing services, provided that:*

- (a) *The lot area contains a minimum of twenty thousand (20,000) square feet;*
- (b) *There shall be no outdoor storage of any damaged or inoperative motor vehicles for a period exceeding one hundred twenty (120) calendar days, unless documentation is provided that is satisfactory to the Zoning Administrator evidencing that such a damaged or inoperative motor vehicle is the subject of an on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the towing service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and*
- (c) *The storage area for any damaged or inoperative motor vehicles shall be screened from view from adjacent properties and public streets by the installation of an eight (8) foot tall, solid fence with a minimum two (2) foot wide buffer to screen the base of the fence along any lot frontage.*

(30) *Commercial motor vehicle repair or maintenance establishments which engage in only the repair or maintenance of commercial motor vehicles, provided that all of such repair or maintenance activities are in a wholly enclosed building.*

* * *

8. Section 36.1-250, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by deleting

subsections (3) and (6), and by adding “wrecker services” and “used commercial motor vehicle sales and service establishments” as uses by special exception, to read and provide as follows:

Sec. 36.1-250. Special exception uses.

The following uses may be permitted in the LM district by special exception granted by the board of zoning appeals, subject to the requirements of this section:

* * *

~~(3) Establishments primarily engaged in the sale or rental of trucks and construction equipment including incidental repair of vehicles.~~

* * *

(5) *Wrecker services, provided that:*

- (a) *The lot area contains a minimum of twenty thousand (20,000) square feet;*
- (b) *There shall be no storage of a damaged or inoperative motor vehicle outside a wholly enclosed building for more than one hundred twenty (120) calendar days, unless documentation satisfactory to the Zoning Administrator is provided that such a damaged or inoperative motor vehicle is the subject of an on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the wrecker service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and*
- (c) *The storage area for any damaged or inoperative motor vehicle shall be screened from view from adjacent properties and public streets by the installation of an eight (8) foot tall, solid fence with a minimum two (2) foot wide buffer to screen the base of the fence along any lot frontage; and*
- (d) *Notwithstanding subsection (b), any parts removed from a damaged or inoperative motor vehicle shall be stored within a wholly enclosed building.*

* * *

~~(6) Tow truck operations, provided that:~~

- ~~(a) The lot area contains a minimum of twenty thousand (20,000) square feet:~~

~~(b) The outdoor storage area is accessory to a building on the same lot and has a maximum area of no greater than eighty (80) percent of the gross floor area of the building; and~~

~~(c) The outdoor storage area is screened from view from adjacent properties and public streets.~~

* * *

(9) *Used commercial motor vehicle sales and service establishment.*

* * *

9. Section 36.1-270, Permitted uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by amending subsection (11) to require that “general service establishments” which repair automobiles do so only in a wholly enclosed building, and by adding “towing services” and establishments which repair or maintain commercial motor vehicles under certain circumstances, as permitted uses in the HM District, to read and provide as follows:

§36.1-270. Permitted uses.

The following uses shall be permitted as principal uses in the HM district:

* * *

(11) General service establishments ~~primarily, provided that establishments~~ engaged in the repair or maintenance of ~~goods or items, including automobiles, trucks, construction equipment, and the provision of business services, provided that all motorcycles or trailers, engage in such repair and or maintenance activities are in a wholly enclosed in a building and provided that the gross floor area of all new buildings for such uses is not less than five thousand (5,000) square feet.~~

(12) *Towing services, provided that:*

(a) *The lot area contains a minimum of twenty thousand (20,000) square feet;*

(b) *There shall be no outdoor storage of any damaged or inoperative motor vehicles for a period exceeding one hundred twenty (120) calendar days, unless documentation is provided that is satisfactory*

to the Zoning Administrator evidencing that such a damaged or inoperative motor vehicle is the subject of an on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the towing service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and

(c) The storage area for any damaged or inoperative motor vehicles shall be screened from view from adjacent properties and public streets by the installation of an eight (8) foot tall, solid fence with a minimum two (2) foot wide buffer to screen the base of the fence along any lot frontage.

(13) Commercial motor vehicle repair or maintenance establishments which engage in only the repair or maintenance of commercial motor vehicles, provided that all of such repair or maintenance activities are in a wholly enclosed building.

* * *

10. Section 36.1-271, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by deleting subsection (5) and by adding “wrecker services” as a use by special exception, to read and provide as follows:

§36.1-271. Special exception uses.

The following uses may be permitted in the HM district by special exception granted by the board of zoning appeals, subject to the requirements of this section:

* * *

~~(5) — Tow truck operations, provided that:~~

~~(a) The lot area contains a minimum of twenty thousand (20,000) square feet;~~

~~(b) The outdoor storage area is accessory to a building on the same lot and has a maximum area of no greater than eighty (80) percent of the gross floor area of the building; and~~

~~(c) The outdoor storage area is screened from view from adjacent properties and public streets.~~

* * *

(5) *Wrecker services, provided that:*

- (a) *The lot area contains a minimum of twenty thousand (20,000) square feet;*
- (b) *There shall be no storage of a damaged or inoperative motor vehicle outside a wholly enclosed building for more than one hundred twenty (120) calendar days, unless documentation satisfactory to the Zoning Administrator is provided that such damaged or inoperative motor vehicle is the subject of an on-going law enforcement or insurance investigation or is the subject of a proceeding being pursued as expeditiously as possible by the wrecker service pursuant to section 43-34 of the Code of Virginia (1950), as amended; and*
- (c) *The storage area for any damaged or inoperative motor vehicle shall be screened from view from adjacent properties and public streets by the installation of an eight (8) foot tall, solid fence with a minimum two (2) foot wide buffer to screen the base of the fence along any lot frontage; and*
- (d) *Notwithstanding subsection (b), any parts removed from damaged or inoperative motor vehicles shall be stored within a wholly enclosed building.*

* * *

11. Section 36.1-435, Parking of commercial vehicles, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, be, and is hereby, amended and reordained by revising the regulations pertaining to the parking of commercial motor vehicles in a residential district, to read and provide as follows:

§36.1-435. Parking of commercial *motor* vehicles.

- (a) No commercial motor vehicle ~~exceeding three-quarter (3/4) ton gross weight~~ shall be parked or left standing in a residential district for more than two (2) hours at any time except for:

* * *

- (3) Vehicles belonging to or used by the occupant of a business premises, when the *business* premises constitute a lawfully existing use.

* * *

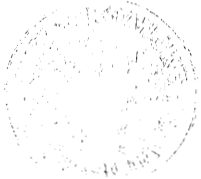
(b) No *motor* vehicle intended or designed to transport caustic, flammable, explosive or otherwise dangerous materials shall be permitted to be parked overnight in a residential district.

(c) *For purposes of subsection (a) of this section, vans, pick-up trucks and panel trucks, shall not be considered commercial motor vehicles.*

12. Pursuant to the provisions of Section 12 of the Roanoke City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

May 19, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment to City
Code Section 20-71

Enforcement of section 20-71 of the Code of the City of Roanoke (1979), as amended, pertaining to parking of commercial motor vehicles in residential districts has been hampered by a lack of a definition of the term "commercial motor vehicle." The proposed amendments to section 20-71 provide, among other things, that certain trucks, construction equipment, trailers, semi-trailers, taxis, limousines, tow trucks, and dump trucks, may not be parked or left standing on any street or alley located in a residential district for more than two (2) hours.

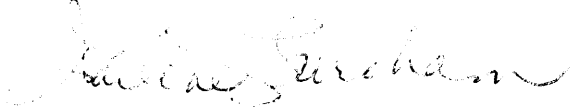
Certain school buses and emergency vehicles, vehicles being loaded or unloaded, vehicles belonging to or used by the occupant of a business when the premises constitute a lawfully existing use, as well as vans, pickup trucks and panel trucks, which would otherwise constitute "commercial motor vehicles," are exempted from the application of the ordinance. No motor vehicle, however, designed to transport dangerous materials may be permitted to park in a residential district.

Enforcement of section 20-71, as amended, is intended to dovetail with the proposed amendments to the Zoning Ordinance which relate to parking commercial vehicles in a residential district.

Recommended Action:

City Council adopt an ordinance amending Section 20-71 of the City Code pertaining to the regulation of on-street or alley parking of commercial motor vehicles in residential districts.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:rbt

Attachments

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Jesse A. Hall, Director of Finance
Joe Gaskins, Chief of Police
Brian Townsend, Director of Planning Building and Development

CM03-0084

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §20-71, Parking of commercial trucks, of Article IV, Stopping, Standing and Parking, of Chapter 20, Motor Vehicles and Traffic, of the Code of the City of Roanoke (1979), as amended, to provide for the definition of commercial motor vehicle and to prohibit the same from parking on the streets and alleys in a residential district under certain circumstances; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Section 20-71, Parking of commercial trucks, of Article IV, Stopping, Standing and Parking, of Chapter 20, Motor Vehicles and Traffic, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

Sec. 20-71. Parking of commercial ~~truck~~ motor vehicles.

~~No commercial truck shall be parked or left standing on any street or alley located in a residential district in the city for more than two (2) hours at any time, except when actually engaged in loading or unloading merchandise; provided, however, that trucks belonging to and used by the occupant of a business premises located in a residential district shall be permitted to stand in front of the business premises actually occupied by the owner of said truck; provided, further, that the owner of any truck while actually engaged in work on the premises shall be permitted to have his truck stand in front of said premises; provided further that the provisions of this section shall not apply to trucks used in street construction work and street maintenance.~~

(a) *For purposes of this section, a commercial motor vehicle shall be any motor vehicle or trailer used, designed or maintained for the transportation of persons or property for compensation or profit, and which is one of the following types of vehicles: trucks, tractor cabs, farm tractors, construction equipment, motor passenger buses, trailers, semi-trailers, taxis, limousines, tow trucks, dump trucks, roll back tow trucks, flatbed trucks, or step vans.*

(b) No commercial motor vehicle shall be parked or left standing on any street or alley located in a residential district for more than two (2) hours at any time, except for:

- (1) School buses currently used by a public or private institution of learning;*
- (2) Emergency vehicles, while such vehicles are providing emergency services, or emergency vehicles which are owned by the City of Roanoke;*
- (3) Vehicles being loaded or unloaded;*
- (4) Vehicles belonging to or used by the occupant of a business premises when the premises constitute a lawfully existing use;*
- (5) Vehicles, the occupants of which are actually engaged in work on the premises; and*
- (6) Vehicles being used in connection with utility or street work.*

(c) No motor vehicle intended or designed to transport caustic, flammable, explosive or otherwise dangerous materials shall be permitted to be parked overnight in a residential district.

(d) For purposes of subsections (a) and (b) of this section, vans, pickup trucks and panel trucks shall not be considered commercial motor vehicles.

* * *

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.